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21ST CENTURY CONGRESS

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21st Century Congress, Hearing, 104...

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BEFORE THE
SUBCOMMITTEE ON RULES AND ORGANIZATION OF
THE HOUSE

OF THE

COMMITTEE ON RULES
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

ON

LEGISLATING IN THE 21ST CENTURY CONGRESS

MAY 24, 1996

Printed for the use of the Committee on Rules



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ISBN 0-16-054316-9

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HEARING ON LEGISLATING IN THE 21st CENTURY CONGRESS

Friday, May 24, 1996

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON RULES OF THE HOUSE, COMMITTEE ON
RULES,
Washington, D.C.

The subcommittee met, pursuant to call, at 10 a.m. in Room 2318, Rayburn House Office Building, Hon. David Dreier [chairman of the subcommittee] presiding.

Present: Representatives Dreier, McInnis (via videoconference from Pueblo, Colorado), and Beilenson.

Also Present: Representative Goss.

Mr. DREIER. The subcommittee will come to order. I am very pleased to welcome all of you to the 21st Century and to convene this historic hearing. It is, as you can see by the surroundings, a wired, interactive hearing that will begin to examine the issue of how information technology will transform the United States Congress.

At the same time, I thought it relevant to the hearing that we should experience and showcase some of these technologies that we hope can make committee hearings more effective.

A member of the subcommittee, Mr. McInnis, who I see over there, is participating via video conference from Pueblo, Colorado. Also joining us from cyberspace is one of our hearing witnesses, Mr. Patrick Flahaven from the State capitol of St. Paul, Minnesota. I will go through an introduction of him when we get into this. He is the Secretary of the Minnesota State senate.

Let me say that we are also privileged to have my colleague, Vern Ehlers, here. All of the technologies that we are utilizing this morning, videoconferencing, television coverage and Internet use, are in use in some form or another by a number of State legislatures around the country. I am very pleased to welcome the Ranking Minority Member, Mr. Beilenson, who has arrived.

We wanted to start the 21st Century punctually, Tony, and we have got a place for you right over here.

I was mentioning the role that State legislatures have played. In California, for example, people can watch the assembly hearings on cable television and can call in and participate in the hearing. We don't have the capability to do that here today, but we do have a Web site, which I actually mentioned on C-SPAN a few minutes ago; and I used the incorrect address to access that, and I am going to correct that now. It is www.house.gov/rules_org/21home.html. I have almost gotten that committed to memory.

It explains what this hearing is about and allows us to receive public feedback as we examine this issue over the next several months.

We also have an e-mail address so that people watching the hearing on C-SPAN can contact us directly with comments and questions, and that address is cyberrep@aol.com, C-Y-B-E-R-R-E-P.

Anybody who has spent a great deal of time in Congress or studying the Congress has developed an appreciation and an understanding for the language of the Hill. Terms such as previous question, closure, germaneness, motion to recommit, budget authority, five-minute rule and so on are certainly familiar to those of us who are members of the Rules Committee and those who follow the proceedings here. But as we approach this new millennium, a new language of the Hill is taking hold. It includes such terms as Internet, networks, open systems, client server systems and graphical user interfaces, to name just a few.

If the experience of other organizations holds true, these new terms and the technologies they describe will fundamentally alter the customs, operations and responsibilities of the United States Congress. There are a number of factors driving Congress' investment in new information technologies. Our newer colleagues are demanding the efficiencies and flexibility that come from cost-reducing and time-saving technologies that most organizations across the country benefit from.

At the same time, the American people are demanding realtime access to information so that they can play a more meaningful role in making government work better. Technology can help us bridge the gap of time and distance to bring representative government closer to the people. It can help us to create a more orderly process and to reduce costs and bureaucracy. But at the same time, misapplied technology can exacerbate inequities in our political system, maintain those aspects of the status quo that require change and undermine the nature of representative government that has served our country so well over the past two centuries.

This is the beginning of a long-term effort to determine how we can ensure that technology is used effectively and responsibly. The goal is to determine how we can meet the internal demand for more flexibility and efficiency and the external public demand for increased access to Congress and its information, while maintaining the Jeffersonian tradition of representative democracy and the decorum and deliberative nature of the House.

We have with us a number of witnesses, as I have said at the outset, who have a great deal of experience on the issue of technology and the impact of those on legislative institutions.

Before recognizing the Ranking Minority Member, Mr. Beilenson, let me describe how I hope we will be able to proceed with the hearing. Unless there is an objection, I would like to recognize the witnesses as one panel. And each witness has been asked to summarize their statements in 5 minutes, after which we would proceed somewhat informally with a discussion unencumbered by the 5-minute rule. In other words, if you have something to say, we are going to ask those who are out there in cyberspace to just speak up. This is a voice-activated system. It is an alternative hearing format that I think will provide the opportunity for a better free-

flow discussion. And I know it is somewhat awkward with all of this equipment around, and we are with the traditional committee structure that we had hoped that we would not have. We were actually hoping to be sitting at the lower level there.

And I should say also that I am sorry that my colleague, the Chairman of the House Oversight Committee, Bill Thomas, could not be here. He has spent a great deal of time working on this, and he and Mr. Ehlers work closely on these issues. And also I am very sorry that the Speaker of the House, who had hoped to be here, coming by videoconference from Florida, is unable to be here because of technical problems that we have had. He very much wanted to participate, and as recently as yesterday told me that he hoped to be able to be following the Congress' move towards the third-wave information-based society, something in which he has a little interest. And so he is sorry that he can't be here.

My colleague from California, Tony Beilenson, has chosen to retire from the Congress before the millennium and this may have something to do with it. We are very pleased that he has brought his decades of expertise to this hearing, and we look forward to his input. And I am happy to call on my dear friend from California.

Mr. BEILENSEN. Thank you, Mr. Chairman.

Mr. DREIER. You have to hit the switch, Tony. That's something that's new for the 21st Century.

Mr. BEILENSEN. This is a little daunting, Mr. Chairman. This is not the reason I am leaving, but if I had known about this, I perhaps would have left a little earlier.

I commend our chairman, Mr. Dreier, for holding this hearing on the use of advanced technology in Congress, a new topic for the Rules Committee, I believe. And I join with him in welcoming our distinguished witnesses, who have so graciously agreed to be here with us this morning. We look forward to learning more about the communications technologies that currently exist, as well as those that are anticipated in the not-too-distant future. Some of these devices appear to offer excellent prospects for helping us run our offices more efficiently and effectively and for improving operations here in the Congress generally.

At the same time, the rapid advances in the kinds of technology that are now or will soon be available to Congress pose tremendous new challenges and questions for us. We need to be sure that we have the best possible process for determining which types of equipment are best suited for our legislative offices, are the most cost-effective and are the least likely to become quickly outmoded. We need to be wary of the excitement generated by some of the new technologies and not let that entice us to invest huge amounts of taxpayers' money on equipment we don't really need or, worse, on equipment that is actually detrimental to our work.

The danger of some of these new technologies is that they could increase pressures to make changes in the legislative process that we may well come to regret. It is easy to imagine, for example, that if a secure system for remote voting is within reach technologically, our leaders will face enormous demands from members to be permitted to vote from their districts, something that would change the very nature of Congress very much, I believe, for the worse. Or if it is technically possible to participate in two meetings at once—

one in person, the other by checking in periodically by video—there would be two obvious pitfalls. One is that the member would be trying to concentrate on two different subjects, giving neither one the full attention it needs. The other is that we will be facing increasing demands to be several places at one time, so to speak, making our often frantic lives even more so. Thus, installing videoconferencing equipment in the Capitol complex in a well-meaning attempt to make it possible for Members to participate in more meetings could, in fact, encourage behavior that is damaging to the deliberative process.

And, finally, I personally worry about losing the essence of communication and the real understanding that results from that through the increased use of advanced technologies.

We have one witness who will be testifying today from Minnesota, which is great in some ways. We will get the benefit of his expertise without incurring the cost of a flight to Washington, but I imagine it will be harder to engage in the give and take of questioning with him than it will be with the witnesses who are here with us in person. And I imagine it will be more difficult for our colleague and friend, Mr. McInnis, to be fully engaged in the hearing if he is participating by video than if he were here in person.

If holding hearings by videoconference becomes a common practice, my sense is that the lack of face-to-face and personal contact is likely to make hearings even less substantive and less deliberative than many, unfortunately, already are. I do hope that through the course of this hearing our witnesses will give us their best advice on how we can help ensure that these technologies operate for the benefit rather than to the detriment of the men and women who serve in Congress, of the legislative process and, most importantly, of course, of the people that we are elected to represent.

Thanks very much, Mr. Chairman.

Mr. DREIER. Thank you very much, Mr. Beilenson.

And I have to say that I am very pleased to have the Chairman of the Legislative and Budget Process Subcommittee, who has taken the time from his schedule to join us; and I would like to call on Mr. Goss.

Oh, I am sorry. Before I do that—we are dealing with technology—the little hissing that we hear apparently is coming from our friend—the microphone of our friend, Mr. Flahaven, in Minnesota.

Let me say to you, Mr. Secretary, if you could hit the mute button on the microphone there, I am told that it will not create the noise that we are getting here in the committee room. Apparently, they have been trying to call you so they have relied on me to communicate with you.

Perfect. Sounds great now.

I thought it did. How did we do? Okay.

Mr. Goss.

Mr. Goss. Thank you, Mr. Chairman. It is with some sense of wonderment that I am here watching all of this work. I want to thank you for your initiative and creativity on this.

I think every Member of Congress is probably suffering from information overload, and any ways that we can deal with that more effectively are going to be very important, especially since tech-

nology is going to bring more information to us. How we screen and handle that and how we use technology to help us, rather than to work against us, is going to be very important, and I will come back to that point in just a second.

I listened very closely to what my colleague and good friend from California said, and I share a little bit of the concern that we become too robotic in our life, not just here but as more and more technology comes across our life; and those of us who are a little older have to cope with it and learn new skills every day.

But I firmly believe that Congress is never going to be put on autopilot. That is just not going to happen. Maybe some people think it is a good idea; I don't. I think this is a deliberative body. It is very much the people's House. The interest and awareness that technology offers for people will help us overcome apathy in our country, and we all decry the small amount of voter turnout that happens quite often in our national elections. So maybe, in fact, we can steer this all in a way that we can create more interest and more participation at the ballot box. And that, of course, is healthy for democracy.

In terms of education, we all agree that it is important that people know what is going on on the Hill and in Washington. That is a critical factor. We all want an informed and well-educated electorate. We want them to know what they are casting their ballots for when they go and not just be subject to the 2-minute sound bite or the 30-second sound bite or, even worse, the talking heads and the anchors of the broadcast networks who are guiding and molding opinions and people leave it at that when there is always so much more behind the news.

And I guess the final area, the area that really attracted my interest today, was this question of secrecy and accountability. I think that technology offers us a great opportunity for offense, but clearly we have got to have some defense in it, too. And I am reminded of this because we had a very interesting and controversial vote yesterday in the House, and I got a lot of unprintable, untraceable input. And so I am very interested in how we use this technology so that there will always be accountability to those people who are sending messages, as well. And, of course, I serve on the Intelligence Committee. I am very concerned in terms of our national security about protecting whatever technology we have, to make sure that it is used properly and not abused.

Having said all of that, I am delighted that there is such a stellar array of witnesses coming before us, as well as such a stellar array of Members of Congress participating.

Thank you, Mr. Chairman.

Mr. DREIER. You are certainly among them, Mr. Chairman. Thank you very much for being here.

And let's now charge ahead with my very good friend, Vern Ehlers, who is President of the House Republican Sophomore Class and Chairman of the House Oversight Committee's Information Systems working group and what I saw—he describes himself as a Trekkie or something. I don't know exactly what the term that you used, Vern, is, but we know that you are an expert on all of this stuff that is around us, and so we are very privileged to have you here.

STATEMENT OF THE HON. VERNON J. EHLERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. EHLERS. Thank you, Mr. Chairman. I think the phrase was techie, not Trekkie.

Mr. DREIER. I come from California, you know.

Mr. EHLERS. My ears look too normal to be a Trekkie.

It is a pleasure to be here, and I do congratulate you in setting up this what is, in a sense, an experiment in precisely the topic we are discussing today.

I will try to summarize my comments in 5 minutes, since I did not have time to prepare written testimony.

Mr. DREIER. Vern, you know, we are moving ahead here. Vince just told me that I failed to recognize my colleague, Scott McInnis, who is in Pueblo, Colorado.

There you go, Tony. The fact that he is not sitting right here and I am looking at Minnesota, yes, Tony just said out of sight, out of mind. Well, we need another screen.

Would you mind if before you went into your 5 minutes I recognized Scott McInnis?

Mr. EHLERS. Very well.

Mr. DREIER. Can we see Pueblo, Colorado, pop up there. All we are looking at is Minnesota now.

Scott, if you can hear me, you have got to turn your mike on. That is the way you will pop up here.

Mr. MCINNIS. I'm on.

Mr. DREIER. Okay. We can hear you, but we can't see you.

Mr. MCINNIS. Let me say—

Mr. DREIER. Speak up, Scott, and keep talking and you should pop onto the screen here. We are trying to prove Tony Beilenson wrong.

Mr. MCINNIS. First of all, Mr. Chairman—

Mr. BEILENSEN. It sounds like Scott.

Mr. MCINNIS. —don't be concerned, Mr. Chairman, that because I am out of your sight I am going to be out of your mind. I am here and looking forward—

Mr. DREIER. There we are. We see you now, Scott.

Mr. MCINNIS. I am here in Colorado. Sitting to my left is Dr. Joe May, who is the President of Pueblo Community College. This is a very exciting event for us today in Colorado.

As many of my colleagues know—and I send my greetings to Mr. Beilenson, of course, Mr. Goss, Mr. Chairman, yourself, Mr. Ehlers and other Members. As you know, we were all together about 10 hours ago. I have now since come out to Colorado. We in this community are excited because it allows us to participate.

Now, we are in a remote section out in rural America. My district is one of the largest districts in the country. In fact, we have probably 56 mountains over 14,000 feet and my district alone, just my district, is larger than the State of Florida. So communication and the advanced technology, Mr. Chairman, that we are about to discuss today, I think holds a very, very exciting future, because we are going to be able to take a lot of what we do in Washington and place it into the small communities, the communities of Grand Junction or clear up in Meeker, Colorado, or southwestern Colorado

down in the mountains and the plains, or over in Summit County, or here as we are doing in Pueblo, Colorado.

So we look forward to that. Again, this communication, Mr. Chairman, I think is going to be key.

Mr. Goss' points and Mr. Beilenson's points are very well taken. We are at the very beginning stages of this type of communication, so there are a lot of things that we are going to have to work out. There are a lot of bugs that we are going to have to go in and sort out. But it is a thrill to be out here in Colorado. And as a result of our communication today, I am able to participate in a community meeting and yet be able to travel in my district.

Mind you, to get across my district will take several hours of flying. Today I will be able to participate in four or five local community events here in Pueblo, Colorado. I am able to go on to another community called Canyon City, and then fly over halfway across the State to Grand Junction to participate in an event there tonight, and yet participate in the community meeting there with you in Washington, D.C.

So, Mr. Chairman, I look forward to the meeting. I want to thank Dr. May and Pueblo Community College, a great institution out here in Colorado, for allowing us to use these facilities. And I am surrounded—it may not be on camera but I am surrounded by several members of the community who are—wanted to come down and see this. This is exciting news for us in Colorado, Mr. Chairman. Thank you for allowing us to participate.

Mr. DREIER. Well, thank you very much, Scott. Thank you, Dr. May, for hosting us at Pueblo Community College.

Now, let's charge ahead with our colleague, Mr. Ehlers. Sorry for that, Vern.

Mr. EHLERS. Absolutely no problem. Thank you, Mr. Chairman. Mr. DREIER. Thank you.

Mr. EHLERS. Just, first of all, a very brief history of my involvement in this. When I came to the Congress in 1994, within a week after I was here, Mr. Gingrich asked me to try to help bring the Republican Conference up to speed in computer matters. He became aware of my history of computerizing the Michigan Senate and asked me to repeat that experience here. In 1995, he—we managed to fulfill his pledge to the American public of putting documents on the Internet. While he was giving his inaugural speech, after being sworn in as the new Speaker, we flipped the switch and the House documents that were ready on the computer were made available over the Internet.

In addition, he asked me to develop a plan to computerize the House, which has resulted in the CyberCongress plan, which we are now in the process of implementing. And by the end of this year, we hope to have in place a good hardware and software infrastructure which can serve as a basis for growth in the future.

The objective of what we are trying to do, first of all, is to have all of the materials, documents, et cetera, available to both the Members and the public as soon as possible after they are prepared. We are hoping to develop a common messaging system and directory for the House of Representatives and, eventually, for the entire Hill, including the Senate and the ancillary organizations such as GPO, the Library of Congress, and so forth.

We are trying to develop a common document format and language, developing it in the SGML language, which will have some real implications I will mention in a moment if I have time.

We are trying to have complete connectivity on the Hill between every computer and every other computer and also complete connectivity to the Internet. Our goal is to have all members sign on to the Internet and be able to receive e-mail and have a home page that the public can view.

We also hope that we can have all Members and staff become not just computer literate but computer knowledgeable. We hope to improve staff and Member efficiency through the system we are developing. We also hope to reduce the use of paper, probably one of the most important and perhaps the most unachievable objective that we have.

We hope to have videoconferencing readily available and we hope—we are well on the way to developing an intranet for use on the Hill.

In terms of the future and what we are working towards there, these are not well-defined objectives, not established by the committee or anything, but things I have in mind: videoconferencing at every desk, which is readily achievable, so that if you want to talk to a colleague or two or three colleagues before a committee meeting about a topic, you simply dial them up and use your computer to communicate with them.

We expect to have many more remote committee meetings, such as this one. By remote committee meeting, I mean all types of variations. It could be a hearing here with witnesses in a remote location. For example, when we were considering the national park bill for the California desert, it would have been very helpful to allow the citizens there to testify before the committee here without having them travel here or us travel there. Or we could just have an occasional remote witness or involve a remote committee member, as we are doing with Mr. McInnis right now. I expect we will have more remote speeches to constituents where we communicate with our constituents through videoconferencing.

I expect fairly shortly we will be able to get into a large number of paperless administrative transactions on the Hill: the vouchers, the payroll, those standard documents that flow hither, thither and yon. And we expect to have those all on computer and paperless, with electronic signature. And that may require some rule changes on your part to validate those electronic signatures.

I expect to seek considerable development in group ware, group ware in daily use on the Internet, that I mentioned we are hoping to develop. And I hope that we will see common use of Personal Digital Assistants. You see a few Members carrying these around now, but they are still a bit cumbersome and not as useful as they should be; but I expect within 5 years or so, instead of carrying the schedule card that we all carry, we would have our little Personal Digital Assistant. Each morning, staff would simply plug that into their computer. Your schedule for the day, for the month, and for the next year would be on there and it would be uploaded daily so that you would have all the information you need for that day. Also notes on committee meetings, et cetera, could all be there and you

could review these instantaneously just by pulling it out of your pocket.

The few things that I think we should not expect—and I have some strong feelings on some of these—I would not expect that we will have remote voting on the Floor or in committee. I have a personal bias against that, and that is where I am with Mr. Beilenson. I think that personal contact, the involvement in discussion both at the committee level and on the Floor is necessary for intelligent voting; and I would be opposed to any remote voting, although it is technically feasible. We could install that and have it operational within a week or two if we wanted it. I think it is something that we should not have.

I think we should not expect less personal interaction between Members. I think the personal action, interaction, is what makes the work flow around the Congress, and we should continue that.

Also, I do not expect a reduction in staff as a result of computerization. So many people put in computers with the expectation they are going to pay for themselves through reduction in staff. It doesn't work that way. You can do much more, but don't expect that you will be doing it with less staff.

A great example, before I went to the Michigan legislature I used to be frustrated. I would write letters, never got responses. When I got there, I found out why. They had one secretary for three members using a typewriter. Most letters just were read and pitched into the wastebasket. By the time I left, all the constituent mail was answered, both the House and the Senate—the same staff level, but much more work being done.

What will the impact on Congress be of these changes? First of all, there will be, I think, a considerably changed role for the Clerk of the House and the Secretary of the Senate, and also for the Government Printing Office and the Library of Congress in terms of how information is handled. Just as an example, I expect that we will have print on demand and rather than having GPO print 5,000 copies of a report so that they have enough on hand to supply an anticipated need, they would produce the bare minimum necessary. Anyone else requesting a copy would have one printed on demand or you could print it in your own office, if you wish, using the Internet.

I expect rules changes are going to be required. We are going to have to standardize certain procedures, practices, documents, et cetera. This is particularly true of committee documents. And this is going to require rule changes, perhaps even some statutory changes, to ensure uniformity from one committee to another both in terms of availability and practices.

We have to formalize our—formalize our document initiation, maintenance, purging and availability practices. And I have compiled, which I will be working through the process in the House Oversight Committee and other committees—this is nine pages, fairly small type, as you can see—all the documents that I could discover are being produced with some regularity on the Hill. And if we want to make those available to the public, we have to have a mechanism for deciding who initiates them, who maintains them, who purges them, gets them out of the system, and on what schedule.

I believe we have to make these available to the public as soon as possible. Right now, oftentimes, these are delayed 3 or 4 weeks because the committee Chairman has not yet approved the document.

We have to look at the financial aspects, which costs of the new system are allocated to individual Members, which costs to committees, which to the general agencies such as House Information Resources, the Clerk or to other accounts.

And we have to establish some rules about how to handle remote hearings, remote witnesses, the swearing-in process, things of this sort. There is much ground to be touched here that is within your bailiwick. Legislative changes are also going to be required.

Currently, CRS documents by law are the property of the Congress and the Congressman in particular who requested a specific report. They are not on the Internet now and cannot be made available on the Internet without changing the law, and that is an issue of some importance that we have to discuss. We may also need legislative changes so that we can do our job better and ensure that we have access to certain executive branch documents.

Now, that is going to be a very touchy balance-of-powers issue, separation-of-powers issue, but I think we can—our Appropriations Committee could function much more effectively if they had on-line access to the Department of Treasury computers and could follow the trends as quickly as Treasury employees do. They could determine account balances, see where the money is flowing. We would just have a much more knowledgeable Congress, and we could make much more intelligent decisions.

But again those would require legislative changes. Perhaps even constitutional issues would be raised there.

Just, in closing, a few dangers. The danger is, as Mr. Beilenson said earlier, less personal interaction. I said I do not expect less personal interaction. By our very nature, we tend to be gregarious or we tend not to get elected, so we are still going to require and expect personal interaction. But there is that danger that we can become more remote ourselves, and I think we should fight that.

Another danger is the undue influence that technology-savvy individuals or groups might have, and that is readily possible now. With—if someone currently can watch C-SPAN, get on the Internet, get a copy of the bill off the Net, get a copy of the amendment that is being debated on the Floor and fire off an e-mail message to their Congressperson, which is fully possible now for those Members on the Net, those individuals who have that equipment and that ability could have an undue influence on legislation.

You also have to watch out—there is a class distinction at the moment because those individuals tend to have more money to be able to afford this. I think that distinction will disappear in a few years, as computers' attachment to the Internet becomes very inexpensive. But then you still have to worry about the class distinction of the working versus the nonworking. The retirees or the unemployed who have the time to sit and watch C-SPAN and dial in and get the information and let us know what they think would have much more impact on the process than those who are working and don't have the time to do this; and so we have to be very careful about that particular danger.

And one last danger I wanted to mention, and that is the possible public revulsion at their ability to watch this process more closely. And I mean that in all seriousness because if your experience is like mine, when you try to explain to the public what has happened in a particular case—yesterday, the minimum wage, is a classic example. Did I vote for or did I vote against the minimum wage? I voted against the amendment, to add it to the bill, but I voted for the bill. Trying to explain that to the public is difficult and the public is watching the complexities of our internal process here. We have to be concerned about them not fully understanding it and developing a certain revulsion at the process and just saying, those guys don't know what they are doing, or why don't they make it more simple, et cetera.

Now, that is a quick summary of some thoughts on this issue, Mr. Chairman; and I am sorry I don't have time to go into more detail on those, but that may emerge in the discussion. Thank you very much.

Mr. DREIER. I hope we will be able to. Thank you very much. We appreciate having your expertise here.

Mr. DREIER. Let's beam out to Minnesota, to the Secretary of the Senate, Mr. Patrick Flahaven, who is the chief operating officer of the Senate under the jurisdiction of the Committee on Rules and Administration. His main functions are to act as parliamentarian and as administrator of the internal operations of the Senate. So, Mr. Secretary, I have been asked to urge you to speak very closely—and you, too, Scott when the time comes—to the microphone; and that will help us, I am told, hear better here in the hearing room.

So if I could now call on Mr. Flahaven.

STATEMENT OF PATRICK FLAHAVEN, SECRETARY OF THE SENATE, MINNESOTA STATE SENATE (via videoconference)

Mr. FLAHAVEN. Thanks, Mr. Chairman. I am delighted to be here to participate in this historic event this morning and to represent in some small way the State legislatures in the United States. We were watching you earlier on C-SPAN, which is carried in legislative offices here in the Capitol in the State office building, and enjoyed some of the discussion that took place earlier.

Your committee asked me to talk about some of the plans, trends, and innovations that are evolving here in the Senate and in the State legislature regarding legislative information technology, and I would like to say that high-speed data communication.

[Technical difficulties.]

Mr. FLAHAVEN. We have a legislative Web site.

[Technical difficulties.]

Mr. DREIER. Is that our sensor that is doing that?

Mr. FLAHAVEN. Committee meetings and agendas, and we also—in 1994, Minnesota, along with California, posted up-to-the-minute election returns on the Internet on election night and the next morning.

In the area of television, we have increased live coverage of floor sessions and committee meetings that are on a PBS broadcast channel, Channel 17, in the Minneapolis-St. Paul area, with

uplinks to satellite broadcast to greater Minnesota and cable that reaches 81 percent of the households in the State. We also have increased coverage of conference committees. We use videoconferencing, interactive committee hearings and the use of in-house-produced videos for a variety of training purposes.

On the question of whether these plans, trends and innovations mirror those of other States, I guess I would say that here in Minnesota—excuse me—we lead in some areas and lag in others, but we are one of the States that is willing to experiment in new technology.

In television, we are early adopters. We began live coverage of floor sessions and committee meetings in 1988. Many of the States who have not used television are beginning to use it and many of the States that have used it in the past are actually expanding their hours of coverage.

I might suggest, for a complete picture of what is going on in the States, that you and other people who are interested get a copy of the Guide to Legislative Information Technology, which is published by the National Conference of State Legislatures in Denver. Bill Pound and his staff at NCSO will be glad to assist you. They have a staff there that works with all of the State legislatures on technology questions.

While one of the other things that we have discussed is how well the elected members of the Senate and House adjust to the utilization of new information technologies, the leadership here and the members have supported the utilization of emerging technologies and have been willing to budget for it, and that has brought us a long way. The support that we have enjoyed has really enabled us to break into new areas. In computers, some members have now been trained and are using PCs themselves in their offices, and others utilize it through their staffs; but all of the members here expect us to provide the best information at the fastest possible speed because we have time pressures, and legislatures can only meet for a set period of time during the year.

In television, virtually all members have adjusted to the fact that we cover so much by—

[Technical problem.]

Mr. FLAHAVEN. Coverage, but we did have many who are skeptical about the need for coverage and the cost of it when we first initiated it. These changes have brought about behavioral and cultural changes in the institution.

I think that in the area of computers, more and more members are taking training on our software packages and many have become very proficient at it. I think that very often we say that whether or not members and staff adapt to this new technology depends on age and whether or not the person really is willing to try new technology, but we have found that age is not always the determining factor. We have many members who have been here a long time who are really getting into it and, of course, we have some of the new members who are coming in who are used to computer technology in their other lives that are adapting to it and using it all the time. But we get more requests for data and more requests for detailed data in making decisions.

One of the things that Congressman Ehlers referred to was paper, and I have to say that paper usage is reduced in some areas, but increases overall in spite of the wide variety of computer technology that we have.

By the way, I enjoyed Congressman Ehlers' comments and I agree with almost everything that he said in the area of computer usage. I think that maybe his background in the Michigan legislature has shaped some of his views, and I think that the things that he has talked about there show that you are on the right track.

In the area of television, as far as members adjusting, members pretty much forget the cameras are present most of the time. But we have found out that constituents are watching and they call in to express their feelings on the issues being considered on our television coverage, and so we know that people out there are watching.

I think, in general, the impact of television on this legislature has been that more citizens are aware of what is going on in the legislature and the issues before the legislature, and this has resulted in more citizen lobbying by phone and by fax and by e-mail.

And for members and the public, the more we do in technology, the more we raise expectations that we can do more and produce more; and consequently, there is an expectation that more and better information will always be made available, and that is something that we have to face. As you referred to, Mr. Chairman, I think the cost of some of this is always a question in an era of tight budgets, but there is a demand for it on the part of the public, and that is a cultural change.

Your staff also asked me to talk about the—what impact and public perception of the legislature has changed as a result of all of this, and I think what we have found is that the citizens who use the technology and see the results of that utilization have a clearer perception of what the legislature is doing and a generally positive reaction to it. I think that there will always be some who are skeptical, but I do think it has been a generally positive reaction. We get feedback from people all the time. Senators and representatives tell me that they get feedback from people who have seen the television coverage and who have used our material on the Internet.

Another question that comes up very often is, what has been the impact of information technology utilization on staff resources? I think the answer to that is that staff are more productive and better informed. It has not, however, reduced the number of staff. The extent to which staff and the members benefit and the institution benefits is directly correlated to the amount of training the staff and members receive on some of this new technology. We have found that training is the absolutely determinant here of how well this technology is used and what benefit from—that we get from it.

We also address the question of what are some of the practical lessons that the Congress might pick up from our experience in the legislatures, and I would say there are a few items that really are crucial. That is, to standardize software; conduct needs assessments; train users on every new piece of software that is made available; evaluate the results of the usage of the software; keep

current on the emerging technologies and examine the effects of change on users in the public.

And the last thing would be to assure those who are concerned that technology is not a fearful monster. It is a valuable resource for the legislative process and does have a lot of benefits.

Thanks very much. I appreciate the opportunity for an opening statement, and I look forward to the discussion that we are going to have in the next hour or so.

[The prepared statement of Mr. Flahaven follows:]

THE PREPARED STATEMENT OF PATRICK E. FLAHAVEN, SECRETARY OF THE
MINNESOTA SENATE

What plans, trends and innovations are evolving in the Minnesota State Senate with regard to legislative information technology?

- In computers: High speed data communication, Wide Area Network and Internet access including World Wide Web through Netscape Legislature Web site; public access to statutes, bills, journals and bill status; mobile computing (laptop); Senate and House Listsev gives notice to subscriber of committee meetings, agendas. In 1994 MN (and CA) posted up-to-the-minute election returns on the Internet election night.
- In television: increased live coverage of floor sessions and committee meetings on PBS broadcast Ch. 17 in MSP area and uplink to satellite broadcast to greater Minnesota and cable that reaches 81% of the households in the State. Increased coverage of conference committees and video conferencing. In-House production of videos for a variety of training.

Do these plans, trends and innovations mirror those of other state legislatures?

- In computers: We lead in some areas and lag in others; we are one of the states that is willing to experiment with new technology.
- In television: We are early adopters. We began live coverage of Floor sessions and committee meetings in 1988. Many states who have not done coverage are considering it and those who have been doing it are expanding the hours of coverage.
- For the complete picture of the states, I suggest getting *Guide to Legislative Information Technology* published by the National Conference of State Legislatures in Denver, CO.

How well have elected Members of the Senate adjusted to the utilization of new information technologies?

- The leadership members have supported the utilization of emerging technologies and have been willing to budget for it.
- In Computers: Some Members have been trained and are using PCs themselves, others have utilized it through their staffs. All expect us to provide the best information at the fastest possible speed because of the time pressure of Session.
- In television: Virtually all Members have adjusted to and support the coverage, some were skeptical about the need for coverage and the cost.

What are some of the resulting behavioral and cultural changes?

- In computers: More and more Members are taking training on software packages; many are very proficient. Conventional wisdom says age is the determining factor—that is not always the case. Members ask for more data and more detailed data in making decisions.
- In television: Members forget the cameras are present most of the time. Constituents are watching and call in to express their feelings on the issues being considered.
- In general: The impact has been more citizen awareness of the issues before the Legislature. This has resulted in more citizen lobbying by phone, FAX and E-Mail. For Members and the public; the more we do with technology, the more we raise expectations that we can do more and produce more.

How have public perceptions of the Minnesota State Senate changed as a result of increased public access to legislative information?

- The citizens who use and see the results of technology utilization have a clearer perception of what the Legislature does and a generally positive reaction.

What has been the impact of information technology utilization on staff resources?

Staff is more productive and better informed. It has not however reduced the number of staff. The extent to which staff and the legislators benefit is directly correlated to the amount of training the staff receives.

What are some of the practical lessons that Congress can learn as we increase our investments in information technologies?

- Conduct needs assessments
- Standardize software
- Train users on every new piece of software
- Evaluate results
- Keep current on emerging technology
- Examine effects of change on users and the public
- Realize that new technology is not a fearsome monster—it is a valuable and productive resource for the benefit of the legislative process.

Mr. DREIER. Thank you very much, Mr. Secretary. We appreciate your being here and that came through very clearly here in the hearing room.

I am now pleased to call on my good friend, Dr. Jeffrey Eisenach, who is President, Senior Fellow and cofounder of the Progress and Freedom Foundation. He served as a senior economist at the Federal Trade Commission and in the Reagan administration's Office of Management and Budget. He also worked at the American Enterprise Institute, The Heritage Foundation and Hudson Institute. And his real claim is that he is an alumnus of Claremont McKenna College.

Jeff, we are happy to welcome you.

STATEMENT OF JEFFREY EISENACH, PRESIDENT, SENIOR FELLOW, AND COFOUNDER OF THE PROGRESS AND FREEDOM FOUNDATION

Mr. EISENACH. Mr. Chairman, thank you for having me here. Members of the Committee, it is a pleasure to be here.

I will try to keep my comments short. I should indicate that I am testifying on my own behalf, not on behalf of the foundation of which I am president. I would also like to thank Kent Lassman, who is with me today and is a researcher, for his help in preparing today's testimony.

What I would like to do, and will do so more briefly than in my written statement, is to address what I believe are four potentially dangerous myths about the impact of the information revolution on Congress and on government in general.

The first of those myths is that the Information Age will make government and, therefore, Congress less important. The second is that the Information Age will enhance the functioning of mass democracy as we now understand it. The third is that the Information Age will make Congress in its present form work more efficiently. And the fourth is that questions of how to structure Congress and the legislative process are mostly internal issues about how Congress operates and really have little to do with the larger question of restructuring government. Let me address those one at a time.

First and briefly, the argument that the Information Age is going to make government less important, I believe, is misguided. I believe it will make government less hierarchical. I believe it will make government smaller. I believe it will make government less centralized. But I do not believe it will make it less important, either the Federal Government or the Congress in particular. It will

not be less important because many markets which are currently State or local or regional markets are now becoming nationwide markets. The telecommunications legislation and legislation now moving through Congress on electric utility regulation are just two examples of markets which we previously have regarded as regional or statewide markets and which clearly now need to be addressed on a national basis.

Secondly, many markets which have previously been national markets are now becoming international markets, requiring the Congress and the Federal Government to develop approaches and negotiate appropriate institutional arrangements with foreign countries.

Third, as society becomes more complex and diverse, the Federal Government, as the expression of our national democratic process, will be challenged to devise institutional arrangements which permit and enhance freedom while sharing—while preserving our shared principles.

I also think these arguments about the role of government are wrong because the challenge before us is not simply to tear down an industrial age government which most now agree is obsolete. The challenge, and it is a complex and difficult challenge, is to replace that government with one which is arguably more simple, but also needs to be made appropriate for a very complex time; and that is a very difficult task.

Richard Epstein's recent book, *Simple Rules for a Complex World*, addresses the challenge that now faces the Congress. And I would also point out that you all are privileged and challenged to be Members of Congress at a very interesting time in our history.

Just as the Progressives came of age in the era of the New Deal and enacted legislation which, in a very profound way, created and influenced our society right up through the present day and will for our history long into the future, you live in a time in which we move from an Industrial Age into an Information Age, and the decisions that you make will have long-run impact. So I think Congress is, if anything, more important now as a result of the information revolution. And government in general, while it may become smaller and less centralized, will also become, I believe, more important.

Secondly, the Information Age will enhance the functioning of mass democracy. I think this is a fundamental misunderstanding and it is maybe the most pervasive misunderstanding that I see in terms of taking calls from the press and talking with people in general. The notion is that the Information Age in general and the Internet in particular will allow people to participate more in the functioning of Congress and at the level of macro decisions being made by Congress, because we can all watch Congress on C-SPAN and access copies of bills on THOMAS and send e-mail to our Representatives about how we feel. We will all be more empowered as citizens.

Congress, conversely, will be better informed and more responsive to us because of all the e-mail we send them, and as a result, Congress will make more decisions ever more effectively and more wisely.

I think this myth is somewhat ridiculous on its face, frankly. First, information about the activities of Congress has been widely available for many years. And while C-SPAN and THOMAS make it easier to obtain raw data about what Congress is doing, anyone who has ever listened to a Floor debate or tried to read a bill knows that raw data is not always all that useful.

Second and more to the point, the notion that e-mail on the Internet is going to give every American their own direct line to their Representative is simply silly. No human being can have 550,000 pen pals, and whether the mail shows up via snail mail or a T-1 line doesn't change that simple fact.

Congress already has good data through surveys and focus groups and so on and so forth about what the public believes, and the fact that constituent mail now shows up on an Internet message instead of through the U.S. Postal Service, I don't think is a very fundamental change.

I do think that the ability for individuals to participate more directly is potentially dangerous. It has already been mentioned today in the sense that because we could have a direct representative democracy, that we might choose to have it. I think that is potentially dangerous for the following reason: The problem facing Congress is not that it doesn't have enough information about the decisions before it, it is that it has too many decisions before it. The Toffler's talk about this and I quote them in my testimony.

To make a long story short, they conclude that "...in Washington today, Congress and the White House are racing, trying to make too many decisions about too many things they know too little about." And imposing that same decision load on 260 million people, instead of 535, is no answer to the problem. What we need is to create what the Tofflers refer to as decision division, what I call virtual democracy, and that is a plethora of regional, local, State, county, and in many cases, not even geographically based governmental institutions, and Congress needs to become part, if you will, of a seamless web of all of those governing institutions sitting at the pinnacle, if you will, of interacting with those representative institutions and interacting with those communities, not trying to interact one by one with 260 million Americans. That won't work, and it creates, I think, an illusion of engagement which ultimately will lead to disillusionment, because people will realize that the mail they get back over the Internet is, in fact, no more personalized than the mail that frequently comes off of congressional computers today.

The third myth that I would like to address is that the Information Age will make Congress in its present form work more efficiently. To make a long story short, I think it is true that Congress needs to move rapidly to adopt and put in place the information technologies that are now available. I think that could have been done more rapidly in the past, and I think the fact that you all, and Mr. Ehlers in particular, and you in this hearing, are moving rapidly to do that is important.

I do think it is important to understand technology is not a replacement for structural change. The General Motors of 1960 with computers would not be an efficient firm. General Motors is a fundamentally different company than it was in 1960, and if you go

through example after example after example where private sector companies have brought in technology with the notion that they would do everything the way they were doing it, but do it faster, that has proven to be a dangerous illusion.

I would note briefly, and do in my written statement, that I believe the question of remote voting is one that really ought to be considered. I have some familiarity with the schedules of Members and the stresses that are placed upon them. And while I think it is essentially important that Members congregate in Washington on occasion, and perhaps congregate in other places on occasion, I think that the ability to vote from remote locations, the ability to not be dragged across the street three, four, five, six times a day, is one that I think should be seriously considered and would not only make Congresspersons' lives easier, but would allow for a more productive role.

Fourth, and finally, the notion that questions of how to structure Congress and the legislative process are mostly internal issues and don't have much to do with the larger question of restructuring government I think is another myth, and I think it would be hard to find anybody to defend that myth, but at least until 1995 the relatively little attention which has been paid to restructuring Congress, that suggests implicitly at least the question of restructuring Congress in its relationship to restructuring government has received less attention than I believe it needs.

To make a long story short, the phenomenon of power in Washington expressed through the committee structure with each committee corresponding to an agency or group of agencies, a power base in the executive branch makes it very, very difficult to make the kinds of changes in the executive branch that I think we all agree need to be made, or most people agree need to be made.

And I think as you look at the question of restructuring Congress, you need to look at that in the context of how a restructured virtual Congress, if you will, would match up with a restructured virtual executive branch.

And one of the things that I mention in my testimony in particular is I think looking at the committee structure much more as a moving picture rather than a static picture is one that ought to be considered.

The enhanced use of task forces is something I know the Speaker has worked with some this year and last year. I think that that experience, while it has worked in some cases and arguably not worked as well in others, I think that that experience worked well, as you think about restructuring Congress in the future.

The ability to take on a task force, work on the task, complete the task, and dissolve the task force and hopefully, enabled by the Information Age, you can work through teleconferences and the Internet and you don't need to set up a large committee room, a suite of offices, and so on and so forth, in order to get the job done.

Let me conclude with one quotation from a book called *The Virtual Corporation* written by William Dawidow and Michael Malone. They conclude that the virtual corporation, "in the end, unlike its contemporary predecessors...will appear less a discrete enterprise and more an ever-varying cluster of common activities in the midst of a vast fabric of relationships."

I would like to suggest that that sentence, applied to the U.S. Congress, is worthy of your consideration. A virtual Congress will be more fluid and flexible internally; it will be more dynamic in its decision making and, increasingly, will be woven almost seamlessly into a vast fabric of relationships that will constitute the American political system.

Information technology makes that possible. But it is the efforts of you and your colleagues, Mr. Chairman, who will make it real, and I want to encourage you in your efforts. Thank you.

Mr. DREIER. Thank you very much, Jeff.

[The prepared statement of Mr. Eisenach follows:]

THE PREPARED STATEMENT OF JEFFREY A. EISENACH, PH.D.

Mr. Chairman and members of the Committee, it is an honor to appear before you today to discuss the impact of the information revolution on the legislative process and the structure of Congress.

Before continuing, I should note that while I serve as President of The Progress & Freedom Foundation, a non-partisan research and educational institution, the views I express are my own and do not necessarily represent those of the Foundation, its board or other staff. I would, however, like to thank Mr. Kent Lassman, a researcher at the Foundation, for his assistance in helping me prepare for this testimony.

My testimony today is based in large measure on the work of The Progress & Freedom Foundation, as well as my own studies on the impact of the information revolution on government and society. In particular, I will draw heavily on lessons learned in preparing and teaching a course titled *The Role of Government in the 21st Century* at Harvard's Kennedy School of Government last fall. For the record, I have attached a copy of my curriculum vitae as well as the syllabus for that course.

In addition, much of what I have to say this morning is framed in a larger set of ideas about the nature of the information age and its impact on government. Many of these ideas are expressed in testimony I gave before the Senate Committee on Governmental Affairs last year, a copy of which is also attached to this statement.

Mr. Chairman, what I would like to do this morning is address what I believe are four myths about the impact of the information revolution on Congress, myths which, if they are allowed to masquerade as truth, could lead you and your colleagues to take steps that are not only unproductive but counterproductive.

- Myth Number 1: The information age will make government, and therefore Congress, less important.
- Myth Number 2: The information age will enhance the functioning of mass democracy.
- Myth Number 3: The information age will make Congress in its present form work more efficiently.
- Myth Number 4: The question of how to structure Congress and the legislative process are mostly internal issues about how Congress operates and have little to do with the larger question of restructuring government.

Let me address each of these myths, and as I do so, offer some corresponding thoughts which I believe are closer to the truth in each case.

Myth Number 1: The information age will make government, and therefore Congress, less important.

It is argued by many that the impact of the information age will be to lessen the role of government, especially the Federal government, and reduce its impact on society. This is said to be the case because the information revolution heralds a time of less centralization (hence less centralized government), smaller institutions (hence smaller government), greater specialization and customization (hence less national government relative to states and localities) more individual empowerment (hence less government, period), and so forth.

Furthermore, since the task before Congress, it is argued, is little more than rolling back the size of government, and this is inherently a much less complex effort than creating new government programs, this role, relevance, responsibilities and overall importance of the Federal government.

These arguments are misguided, and the conclusions are simply wrong.

First, they are wrong because the role of the Federal government—while it will be very different from what it was during the Industrial Age—will if anything grow in importance in the coming decade. The Federal government will indeed be less centralized, meaning that fewer decisions will be made by bureaucratic hierarchies; it will be characterized by smaller programs, meaning that it will spend less money and raise less in taxes; it will grant greater flexibility to states and localities, meaning less micromanagement from Washington; and it will, indeed, facilitate greater freedom and opportunity for individuals, meaning citizens will spend less time worrying about how to comply with detailed Federal laws, rules and regulations.

But it will not be less important. It will be more important, for three reasons. First, markets which in the past have been regarded as statewide or regional in nature are becoming national markets, requiring national approaches. Second, markets which in the past have been national markets are becoming international markets, requiring the Federal government to negotiate appropriate international arrangements. Third, as society becomes more complex and diverse, the Federal government—as the expression of our national democratic process—will be challenged to devise institutional arrangements which permit and enhance freedom while preserving our shared principles.

Second, these arguments are wrong because the challenge before us today is not simply to reduce and abolish, cut and tear down the government of the Industrial Age: It is to replace that government with laws and institutions appropriate to the Information Age. That challenge is the most difficult and complex ever faced by any government at any time in history—because the society in which we now live is the most sophisticated and complex ever constructed. As Chicago Law Professor Richard Epstein argues in an important recent book by this title, creating “simple rules for a complex world” is no easy task.

Third, even if one were to believe that the Federal government will someday become less important, the challenge of making the transition from an Industrial Age, Progressive model of government to a digital age model will occupy us for probably a decade to come—and perhaps much longer. In this context, I would point out that our efforts as a nation to come to terms with the implications of the Industrial Revolution took at least 70 years—from the creation of the Interstate Commerce Commission in 1870 to the culmination of the New Deal in 1940—and that this period was marked by tremendous turbulence and spirited debate on very fundamental issues.

A similar debate is now getting underway, and the focal point of that debate will be the U.S. Congress. And, just as the decisions we made during the early part of this century literally determined the nature of the society in which we now live, the decisions Congress makes during the course of the next decade or two will influence the entire future history of our nation.

Myth Number 2: The information age will enhance the functioning of mass democracy.

Perhaps the most pervasive myth currently being promulgated about the impact of the information age on government and politics—and the Congress in particular—is that the information age in general, and the Internet in particular, will enhance the functioning of mass democracy. Because we can all watch Congress on C-SPAN, access copies of bills on THOMAS and send E-mail to our Representatives about how we feel, this argument goes, we will all be more empowered as citizens. And Congress, conversely, will be better informed and more responsive to us because of all the E-mail we send them. As a result, Congress will be able to make ever more decisions, ever more wisely.

This myth is ridiculous on its face. First, information about the activities of Congress has been widely available to the interested public for many years, and while C-SPAN and THOMAS make it easier to obtain raw data about what Congress is doing, anyone who has ever listened to a floor debate or tried to read a bill knows that raw data is not always all that useful in understanding the real issues behind a piece of legislation. Second, and more to the point, the notion that E-mail on the Internet is going to give every American their own direct line to their Representative is simply silly. No human being can have 550,000 pen pals, and whether the mail shows up via snail mail or a “T1” line doesn’t change that simple fact. Third, Congress already has extraordinarily good data on public opinion in the form of surveys, focus groups, etc.—and has for at least 30 years.

But this myth is also potentially very destructive, if, simply because we are technologically able to do, we find ourselves drawn away from representative democracy towards direct democracy—i.e. frequent plebiscites, digital or otherwise, on issues now voted upon by Congress.

The problem facing Congress today is not that it does not have enough information about the decisions before it, it is that it is trying to make too many decisions. To quote Alvin and Heidi Toffler,

The diversity and complexity of a Third Wave society blow the circuits of highly centralized organizations. Concentrating power at the top was, and still is, a classic Second Wave way to try to solve problems. But while centralization is sometimes needed, today's lopsided, over-centralization puts too many decisional eggs in one basket. The result is "decision overload." Thus, in Washington today, Congress and the White House are racing, trying to make too many decisions about too many fast changing, complex things they know too little about.¹

Imposing the same decision load on 260 million people, instead of 535, is no answer to this problem. The answer is what the Tofflers refer to as "decision division," or what I would call "virtual democracy."

Moving from "mass democracy" to "virtual democracy" means putting the communities that are most knowledgeable about and most affected by specific decisions in charge of making them. In some cases, these communities are well-represented by current political boundaries (e.g. states, cities, counties, congressional districts); in others, they cross jurisdictional bounds, and will require the creation of regional governing bodies, often specialized ones to address specific issues (such as environmental concerns); in still others, they are non-geographical communities of interest, and will create governing bodies that bear no relationship to geography at all.²

What we must recognize is that governance, like everything else about our society, is becoming dramatically more complex. The traditional interest groups (with the important ones represented physically in Washington) and the traditional system of geographic representation (embodied in the Constitution itself) will not be replaced—but they will be supplemented by a plethora of pseudo-governmental bodies of every kind.

Congress can and should use information technology—not, you will be glad to hear, to try to respond personally to each and every income E-mail message—but to facilitate its interactions with a growing number of increasingly important "virtual communities." The bi-partisan "Internet caucus" recently formed by Congressman White, Senator Leahy and others—complete with Internet site—is a good example of an effort to do just this.

Myth Number 3: The information age will make Congress in its present form work more efficiently.

The third myth I'd like to challenge today relates directly to the internal functioning of Congress. Through internal E-mail (and eventually video conferencing), greater access to research and information through the Internet, remote voting, etc. some believe, the functioning of Congress will be made more efficient, allowing Congress to address more issues more effectively, without making fundamental structural changes.³

This argument flies in the face of the experience of every private sector institution in America and the world, to say nothing of the experience of other governments, or of Congress itself.

Do not misunderstand me: improving the information technology support systems within the Congress—which are shamefully outdated—is a necessary condition for improving the way Congress functions. But better information technology will only have the desired effect if it is used to enable an improved structure.

What are those changes? First, one of the things information technology can do is facilitate the operation and integration of increasingly complex and dynamic institutions within Congress. For example, by placing the deliberations of a committee or subcommittee on an "Internet" site, information technology can make it possible for all members to participate—in "real time" or at a time of their choosing—in the deliberations of the committee or subcommittee. The question that arises is, why would they bother? Having no vote or direct influence over the committee's deliberations, and plenty of other things to do, most Members would not take the time to get involved. The result—lots of information, no demand.

A potential answer to this quandary is to supplement committee membership through "virtual membership." Suppose, for example, Members were allotted a cer-

¹ Alvin and Heidi Toffler, *Creating a New Civilization* (Washington: The Progress & Freedom Foundation, 1994), p. 68-9.

² The recently announced creation of an arbitration body to resolve disputes on the Internet—in effect a "court of cyberspace"—is a good example of this phenomenon already underway.

³ In addition to this discussion immediately below, see both the previous and following sections for reasons I believe this argument to be mistaken.

tain number of votes during each session which they could use to vote in any committee, on any bill or amendment. Members with particular interests and/or expertise would thereby be empowered to participate in a meaningful way in this key step in the legislative process.

Second, expanding on this same idea, suppose Members were also empowered to create "virtual committees." Under such a system, Members would be permitted to choose, in addition to their current committee assignments, to serve on two virtual committees of their choosing, formed voluntarily by groups of Members and funded out of supplemental budgets provided to their offices for this purpose. Such committees would have standing only for the current session. Through the use of information technology, they could meet, deliberate and vote from any location, with research and staffing provided by virtual staff, potentially located anywhere in the world.

Third, coming to an issue that I know raises strong feelings on both sides, the arguments for permitting remote voting seem to me to dramatically outweigh the arguments on the other side. As every Member knows, being dragged back from the district to vote on a few procedural matters every Monday and Tuesday makes little sense, and detracts significantly from Members abilities to be with their constituents. And once you are here in Washington, being dragged across the street several times a day to vote is debilitating and makes it almost impossible to construct a coherent schedule or be productive at work. As for the arguments on the other side, it ought to be noted that Members managed to get to know one another—to form that bond of community that only face-to-face contact can allow—even in times when Congress was in session much less than at present.

Myth Number 4: The questions of how to structure Congress and the legislative process are mostly internal issues about how Congress operates and have little to do with the larger question of restructuring government.

The fourth myth is that the structure and process of Congress can or should be seen independently from the larger question of how government is structured. While it might be hard to find anyone to defend this view, the relative paucity of attention paid to the question of restructuring—certainly through 1994 and even since—suggests that many believe it implicitly. Or, that the thought of real restructuring is sufficiently threatening to Members that it ends up on the back burner.

As my comments above, and elsewhere, have suggested, the structure of Congress has a profound impact on how it interacts with the public and on how well it functions in the most basic sense. More broadly, however, the structure of Congress determines the way power is allocated and exercised. Committee Chairs have a natural interest in preserving and expanding the authority of their committees—and that means preserving and expanding the programs over which they have control.

This phenomenon is a natural part of both human nature and the democratic process, but in times of rapid change, it can also be a debilitating barrier to meaningful change. I would suggest to you that the creation of an information age government will necessitate the creation of an Information Age Congress—one organized according to the ideas and principles and institutions of the future, not the past.

As consideration is given to reorganizing Congress, I hope the ideas discussed above, and more broadly the issues you are addressing in this hearing today, will be taken into consideration. In particular, I would hope that such deliberations would begin by recognizing that what is happening to us today is not a move from one steady state to another, but rather a move from one rate of change (intermittent and slow) to another (constant and fast). Government must be prepared—for the indefinite and probably unlimited future—to respond much more rapidly to changing circumstances than ever before in history.

Information technology makes it possible to create institutions with the requisite degree of fluidity and responsiveness needed to deal with constant, rapid change. Indeed, it is the creation of such institutions outside of government—dynamic, constantly innovating corporations and other private sector entities—that has created the demand for a more rapidly responsive government.

But information technology alone will not make Congress more responsive. Fundamental structural changes are absolutely necessary to make this key component of our democratic system work for our future.

Let me conclude my comments by quoting from two of the leading thinkers about the impact of information technology on the corporate world, William H. Dawidow and Michael S. Malone. In their recent book, *The Virtual Corporation*, they describe how information technology is changing the modern corporation:

In the end, unlike its contemporary predecessors, the virtual corporation will appear less a discrete enterprise and more an everyvarying cluster of common activities in the midst of a vast fabric of relationships.⁴

I would like to suggest to you that this sentence, applied to the U.S. Congress, is worthy of your consideration. A virtual Congress will be more fluid and flexible internally, more dynamic in its decisionmaking and, increasingly, woven almost seamlessly into "a vast fabric of relationships" that will constitute the American political system.

Information technology will make that possible. You, Mr. Chairman, the Members of this Committee, and all of your colleagues in both Houses, have the opportunity to make real.

Mr. Chairman, that completes my prepared remarks. I look forward to addressing any questions you may have.

Mr. DREIER. As you know, we in the 104th Congress have brought about some very sweeping change. I had a hand in restructuring the committees, the greatest change we have seen in the last century, and we are in the process of reviewing those with a task force put together under the Speaker's direction to review the changes we have made and see what impact they have had on the legislative Congress as we proceed in the 105th Congress.

We appreciate that you have raised a lot of very important questions and I look forward to getting into those discussions.

Mr. DREIER. Our next witness is Professor Stephen Frantzich, Chair of the Department of Political Science at the U.S. Naval Academy. He has written widely on the social organization and political impact of technology on political institutions. As the President of Congressional Data Associates, he has served as a consultant to the Congress and a variety of foreign legislatures. His latest book, *The C-SPAN Revolution*, is due for publication this summer. We look forward to that. And he is recognized as one of the very few people who has written and gotten into the depth of all the technological changes taking place in legislatures.

We are pleased to have you with us, Professor. You can summarize, so that we can get into the discussion, and we look forward to that.

STATEMENT OF STEPHEN FRANTZICH, CHAIR OF THE DEPARTMENT OF POLITICAL SCIENCE, U.S. NAVAL ACADEMY

Mr. FRANTZICH. Let me start off by complimenting the committee for looking at the social, political, and organizational impacts of technology. In 25 years of looking at this, I have seen Congress only sporadically worrying about the impact. They have rushed off into technology or avoided technology without thinking about the implications. So I compliment the committee for looking at this.

We are talking today primarily about information technologies which is appropriate, because information processing is the core technology of Congress. Congress doesn't produce anything of substance. They do not produce widgets; they produce information and manipulate information, using "manipulate" in a neutral sense.

They are at the vortex of three information flows: As a representative body, they are receivers of information; as a deliberative body, they are transmitters of information among the Members and constituent units; and as a public institution, they are disseminators of information; committee reports, *The Congressional Record*,

⁴William H. Dawidow and Michael S. Malone, *The Virtual Corporation* (New York: Harper Collins, 1992), 7.

legislation and those sorts of things. So if we are talking about the core technology of an institution, the likelihood it is going to have an impact is greater than if we are talking about technologies at the margins.

I believe Congress has to walk a fine line when it looks at adopting technology. On the one hand, it has to avoid the uncritical enthusiasm that, "we have to try it because it is there." The law of the instrument, most simply stated, "if you give a child a hammer, the whole world becomes a nail." That is dangerous.

On the other hand, they have to avoid the intransigent hanging on to the past by saying, "We have never done it that way before, and Thomas Jefferson didn't use television and we are not going to use television." Somewhere in the middle there is what I would call a demand driven approach, that is, take a look at what the demands are. What are our needs today? What are the problems? What can't we solve? And how can technology move in and help us solve those particular problems? All the time leaving the opportunity for what I call the unlocking effect, Congress doing something it hasn't done in the past, or Members doing something they have not done in the past because it was not technologically feasible.

We have to recognize that specific technologies, the kinds of things we are talking about today, television, digitized television, the Internet, e-mail, computers, fax machines, all of those sorts of things affect who gets what information, when, and how.

We have to look beyond specific technologies. We also and realize there is a general pattern. The technologies we are looking at, first of all, tend to increase the speed and efficiency by which we get information. They tend to increase the ability to find and retrieve information. They reduce, as we have seen this morning, the limits of time and space. And they change the substance of what is transmitted and who controls what is received in the process.

Now, we can look at a number of impacts that have already become evident in Congress. Let me roll through a couple of these. One process implication we have seen this this morning with the use of videoconferencing. We have changed the ability of who can participate and what the impact was on their work schedule.

I compliment the committee. It is easy to talk the talk. We have tried to walk the walk this morning in terms of technology. We have had a couple of glitches, but not major ones. We have to recognize is as part of the costs of going to a new technology area. So there are process implications.

There are power implications. Congress is a political institution where power is important. Speaker Gingrich probably wouldn't be Speaker today and Mr. Dreier probably wouldn't be Chair of this committee if it weren't for the fact that a decade ago Speaker Gingrich and a number of his colleagues learned how to use C-SPAN. They learned how to use Special Orders and how to use television to get their message across. So technology changes power for those people who are willing to use it creatively.

Technology changes structure. Twenty years ago, less than 10 percent of the congressional staffs were in the district offices; today 40 percent or so of congressional staff work from the district. They

couldn't have done that if it weren't for the computer and the fax machines. Those technologies allow them to be full operatives.

When I first started looking at Congress, if you were in the district office that was Siberia. You were totally out of touch. Today you are sometimes more in touch than the people who are right down the hall from the Member. So there are structural implications.

There are also policy consequences. We have had some discussion this morning already of Internet-created discussion groups, Internet-created interest groups out there who organize almost instantaneously and push for a piece of legislation. Technology can change the outcome of the policy process.

Congress' role has always been one of establishing institutional and social priorities for our society, and I think it has to do with the same when it comes to information technology and issues of information technology. Let me suggest a couple of goals or priorities.

First, I think Congress has an important responsibility to remain as an effective disseminator and user of information. Congress can't get bypassed. The separation of powers process should not be diluted because of information technologies. Congress has to be in the middle of this information flux.

Secondly, Congress has to look at some of the possibilities for increasing efficiency, and we have already talked about print-on-demand and some of the sorts of things that can save some money in the process. More important to me is that Congress has to use technology in a way that it evens the political playing field rather than exacerbating some of the inequalities in the process. We need a wider spread of information throughout the country, a wider group of people that can be involved and can be involved in a timely manner.

In politics, information delayed is information denied. If you don't get it for a week or a month and everybody else who is a key actor get it immediately, you are at a disadvantage. I am concerned, for example, that congressional voting is now electrified, but you cannot get it for 24 hours to find out how your individual Member voted. I think we need to change that rule so there can be immediate access.

I am concerned that the committees have a fair amount of control of what they disseminate and when they disseminate it and there is no one-stop shopping. As wonderful as THOMAS is, there are a number of gaps in that information safety net where people can't get information in a timely manner.

It is very important that we plan. Technologies don't impact on organizations like two ships colliding at night. There is no inexorable calculation of what the impact is going to be. Technological consequences get transmitted through the various traditions and the goals of the organization that is involved. So we have to look at it in the context of Congress.

I think it is important for us to look at potential consequences. Organizations which plan and look at the potential impact have a much higher likelihood of being able to guide that impact in a positive direction rather than all of a sudden waking up one morning and finding out that the technology is there and we haven't thought about the consequences.

Those are very general comments. I look forward to some of the discussion we will have this morning. I also look forward to both agreeing and disagreeing with some of my colleagues in the things they have said.

Mr. DREIER. Thank you very much, Professor. We appreciate your helpful testimony and the quarter of century of work—effort that you have put into this.

[The prepared statement of Mr. Frantzich follows:]

THE PREPARED STATEMENT OF STEPHEN E. FRANTZICH, CHAIR OF THE DEPARTMENT OF POLITICAL SCIENCE AT THE U.S. NAVAL ACADEMY

The Informational Context

As a representative and decision-making body, Congress depends on and is dependent on for timely, comprehensive and reliable information. Information processing is the core technology of Congress. Congress and its Members stand at the vortex of three information flows. Congress receives information from outside groups and individuals, transmits information among its Members and staff, and disseminates information to the wider society in the form of reports, laws and regulations. Changes in the core technology of any institution have a high likelihood of affecting its social norms, organizational structure, power relationships and productive outputs. Modern information technology is more than a mechanical shifting of the techniques by which we gather, package, present and receive information. Many new technologies force its users and analysts to shift paradigms, assess the new opportunities, evaluate possible detriments and analyze potential social, organizational and/or power shifts. Organizations which self consciously attempt to assess implications of new technology for themselves and their Members are in a better position to direct technological change in a positive direction.

Information is not useful unless the potential user knows it exists and can access it. Technology has changed the questions one asks and the ease with which one can find the answers. Regardless of the technological format, the basic question remains, "what information is available." In hard copy format, the key question for users involved physical access "How can I get my hands on an up to date copy." To a large degree the Depository Library System assured a wide geographic dissemination of hard copy congressional documents. The Library of Congress, committee and personal staff, and CRS established routines for identifying information of relevance to Members of Congress and measures to secure physical access. The application of computer technology expanded the ability to search for sources, but more importantly shifted the emphasis from physical access to content access. The new question is "How can I find needed information which is buried in either specific documents or unknown sources?" Full text and indexed searching allow users of electronic formats to find the information they need and in some cases to follow links to other relevant sections or documents.

Assessing the Impact of Technology on Congress and its Operations

Congress has only sporadically assessed how various waves of technology might affect its operations. Two decades ago, Congress spent a considerable amount of time attempting to determine if televising chamber procedures would affect the institution. While not all the predictions were correct, they did help guide the application of the new technology and avoid some of the most serious pitfalls. Assessing technology impact is tricky. Technologies tend to take on the character of the institution into which they are introduced. Organizations also attempt to affect the nature of technological impact. Easy answers to the questions of impact are often wrong answers. Proponents of televising Congress attempted to affect Congress' lack of popularity and worked on the premise that "to know us is to love us." Contemporary poll results indicating that C-SPAN watchers are some of the most critical members of the citizenry seem to indicate that the premise should have been "familiarity breeds contempt." The more realistic answer is somewhat more complex. Regular viewers of congressional proceedings are more critical of individual Member shortcomings, but do not summarily discount all Members or the institution as a whole. The good news is that regular watchers of Congress stand ready to be convinced that well meaning Members are working to improve both the institution and its output. On a more operational level, televising Congress has provided Members and staff with a new tool for time management planning, increased the importance of floor debate for informing the public, and provided opportunities to use creativity in harnessing new technology to gain power, such as the current Speaker of the House.

Considerably less attention was paid to Congress' stake in the first wave of computer technology. Now that word processing, fax machines, e-mail, computer simulations and mail processing systems are well entrenched, it is clear they have dramatically changed how Congress does its business. At a minimum, the first three of these technologies allowed a dramatic shift of congressional staff from Washington D.C. to district offices. Computer simulations of such areas as tax codes have sharpened the issues in policy debates and focused attention on empirical evidence. Computerized mail handling systems have made it possible to more effectively manage the flood of incoming mail, while the capacity to create mailing lists has encouraged more outgoing mail.

It is encouraging to see that the Rules Committee is seriously attempting to assess the social, political and organizational implications of the next wave of computer-based technologies.

The Nature of Emerging Technologies

New and emerging technologies with particular applicability to Congress such as the Internet, e-mail, videoconferencing, and digitized television have some common inherent characteristics which will affect their general impact. These include:

(1) Reducing limits of time and space: A number of emerging technologies allow information to be transferred without the traditional limitation that participants can not be in two places at the same time. By linking individuals through videoconferencing or online discussions, they can interact in an almost face-to-face manner and yet be separated by thousands of miles.

(2) Increasing speed and efficiency: The technologies in question often provide "real time" access to information, or at a minimum reduce the gap between information production and transmission. Information can be transmitted to numerous receivers simultaneously, bypassing intermediaries whose presence adds both inefficiency and the potential for distortion. Instant information can add excitement, but also reduces the role of intermediary institutions in interpreting and cooling passions surrounding new information.

(3) Increasing institutional transparency: Some of the new monitoring technologies help individuals find, analyze, interpret and pass on information about the operations of institutions and their members. Once "behind the scenes" behavior can now be captured and analyzed. This reduces the ability of institutions to remain impenetrable to inquisitive observers and opens the door for evaluating their actions.

(4) Expanding sender and receiver control: Not all potential participants want or need all information. Many technologies allow the sender to target particular recipients, and the receivers to control the quantity and quality of information they choose to receive. This has the potential for reducing the shared information base. The explosion of choices for securing information through shifts like the dramatic expansion of television channels, the explosion of intentionally biased talk radio venues, the idiosyncratic paths of acquiring information on the Internet and other data bases allow individuals to become their own information "programmers." A limited number of almost identical commercial television channels and a limited number of printed sources helped assure that most Americans had a relatively similar base of political information. As information recipients increasingly specialize, the shared base of common knowledge which facilitates communication and consensus decline.

(5) Highlighting access and utilization limitations: Information technologies often require expensive equipment and user training, raising a barrier to access. The technologies to be discussed could be used either to limit information access and exacerbate information equity or to increase information access and equity.

(6) Discriminating against certain types of information: The technologies under consideration are vehicles for transmitting information. Different vehicles vary in terms of information they best transmit. Some of these differences are based on the inherent characteristics of the technology, while others emanate from human choices of how to use particular vehicles. Television excels in the transmission of single dimension visual images. It is not commonly used for sophisticated multi-variable analysis. Individual attention span for television is dependent on continuous action. Computers are most effective in their ability to manipulate and transmit empirical data. Most individuals, however, find it difficult to concentrate on a computer screen and prefer a hard copy printout on which to make notes and comments.

(7) Capturing more information and increasing retrievability: Many of the new technologies allow permanent capture of what was once transitory information. This allows for future physical access and review. Some of the technologies facilitate indexing and/or full text retrieval, which enhances content access.

(8) Blurring the lines between types of information: The emerging age of multimedia encourages viewing information as a generic tool for understanding phenomena and discourages the distinctions between audio, video and textual presentations.

(9) Serving as a power resource: Throughout history political leaders have used new technologies to promote their careers and the causes to which they are committed. Information technology stands ready to be "used" by skillful and creative practitioners. Speaker Gingrich probably would not be in that office if he and his colleagues had not seen the advantages of using C-SPAN coverage of Special Orders to promote their agenda.

Some Benchmarks for Evaluating New Congressional Applications of Technology

In assessing congressional use of new technology, Congress should consider the following basic principles:

(1) The decision to use new information technologies for internal congressional use should not denigrate existing public information services.

(2) Information technology should be used to level the information playing field as opposed to exacerbating inequalities.

(3) The needs of Congress and the public must prevail over commercial stakeholders when considering the application of new technologies.

(4) In politics, information delayed may well be information denied. Political information is time sensitive. Learning about a hearing or vote the day after it occurs may be acceptable to the political historian but not for the citizen activist. Congress has been hesitant to electronically provide some information, such as individual votes, in a timely manner. As a basic principle, Congress should consider providing all public information in the most timely manner possible consistent with the need to assure accuracy and completeness.

(5) The potential contribution of new technologies to promote more effective and democratic government should prevail over maintaining existing power relationships, personal career ambitions, hesitancy to upset standard operating procedures, and cost factors.

(6) As a primary branch of government, Congress is called to responsibly apply new technology in order to maintain its position and serve the public. Information technology, like all tools, can be used or abused. Technological development will not stand still. The choices Congress makes about its own use of information technology not only send a signal to the rest of government as to what is appropriate, but also may well determine the kind of democracy we are likely to see during the third century of our ongoing experiment with public control of government.

Assessing Technology Impact

The impact of most technologies is at the margins. Institutions and their inhabitants are resistant to change their basic character. The extreme optimism of reformers and the excessive claim of opponents are seldom borne out. New technologies tend to be adopted in such ways that they exacerbate traditional characteristics more than to immediately undermine standard operating procedures and power structures. Technologies do not impact on organizations like two ships colliding at night, but rather are filtered through the norms, rules, and traditions of the target organization.

To some degree, Congress can determine the technological playing field within which it operates through the technologies it chooses to adopt. To an increasing degree Congress is a pawn in a changing information environment, affected by technological changes in other realms, yet having little control. When Congress is the adopting agent, some principles should be considered. Congress needs to walk a fine line, on the one hand, between becoming so enamored with technology that its main purposes get lost and, on the other hand, summarily rejecting technological change in a hopeless grasp of the past. The "Law of the Instrument"—simple stated as "give a child a hammer and the whole world becomes a nail"—in which technology is randomly applied and misapplied for its own sake is wasteful and disruptive. Failing to take advantage of appropriate technology is irresponsible and wasteful in its own right. In most cases, technology should be "demand" rather than "supply" driven. The existence of a technology is not enough to demand its use. The uninformed adoption of a new technology just to seem modern or "with it" seldom leads to either the desired public relations or practical benefits. Congress should match its needs and perceived shortcomings with the potential contributions of technological solutions. Some room needs to be left for the "unlocking effect" of technologies—the ability of an adopted technology to allow the user to do things that would not have been possible in the past. For example, the application of mail management systems to congressional mail flow allowed the sorting of potential recipients into multitudes of categories for targeted mailings, a task that would have been too onerous to attempt in the pre-computer age.

For those external technological changes over which Congress has little or no control, Congress' task lies in finding ways to assure that they will not undermine its role and basic operations. At times technological changes in other institutions of society require a congressional response. For all its hesitancy to move into the tele-

vision age, Congress would have become the invisible branch of government if it did not follow the lead of society in general and the presidency in particular regarding their heavy reliance on television. Other technological changes are best dealt with by benign neglect. The trick, of course, is to know the difference.

Some Continuing Congressional Information Challenges

Congress as an Information Receiver

As a representative decision-making body, Congress needs a steady stream of comprehensive, representative, timely and accurate information about the state of the national society and options for improvement. Not all Members or sub-units of Congress need the same information. Individual Members may want it sorted by congressional district, while committees are more likely to want it sorted by subject matter area. Some congressional tasks require careful monitoring of the effects of past actions and others depend on projecting future consequences of contemporary actions.

Congress as an Internal Information Transmitter

In order to perform its legislative and representational tasks, Members of Congress and their staffs must communicate internally and coordinate their efforts. "Heads up" information on upcoming events and decision-points is critical. With the dispersion of staffs to district offices and the expanded travel schedules of key participants, effective communication capabilities are increasingly important.

Congress as an Information Disseminator

At a minimum, Congress and its Members want to be heard. They have an institutional responsibility and personal desire not to be silenced by lack of access to the dominant information channels of contemporary society. Any democracy deserving the name is based on a well informed public. As a source of information, Congress has long provided a basic "safety net" of core documents such as the *Congressional Record*, the *Congressional Directory*, committee reports and bill status information allowing individual citizens and organized groups the ability to monitor and effect policy making. Ideally Congress should facilitate "one stop information shopping", allowing interested citizens the ability to easily acquire the full range of congressional documentation through a simple search strategy. As Congress attempts to compete with the other branches of government in an era of open access to information, lack of aggressiveness in disseminating its message through all means possible can only have negative repercussions for the institution and its members. The future lies in increased openness even if it means increased scrutiny.

The Political Overlay

Proponents of new technologies are often naive about the political context of Congress. At its heart, Congress is—and should be—a political institution. Technologies will not be accepted if they blatantly advantage one political group over another. On the other hand, the motivation for adopting a new technology is greatly diminished unless potential proponents see some political benefit.

New and Emerging Technologies and their Potential Impact

It is impossible in this brief paper to chronicle all the emerging technologies and their possible impact on Congress as an institution. The discussion which follows simply focuses on a few and raises potential implications responsible Members of Congress must consider.

Electronic Access to On-line Congressional Information

Computer searchable and retrievable databases of congressional information on-line or via the Internet hold considerable potential for enhancing the public's desire for timely congressional information. During the first decade of computer databases, public demand for access to congressional data was largely served by commercial vendors. These vendors still service the high-end customer desiring value-added searching software and access to related information. More recently Congress itself has joined of Gopher and World Wide Web providers of free information on-line. Congress' *Thomas* system has been a major step in providing basic congressional information to the public. However the system remains limited in its breadth, timeliness and searching capabilities. For example, key documents such as committee reports, support agency studies and background information on Members is not currently available. Its content and capabilities will need to be continually upgraded to maintain a favorable position in the information marketplace. There is no hard evidence that the existence of *Thomas* has enhanced Congress' reputation, although press and user reaction has been positive. Congress has traditionally been responsible for providing documents in printed form. Rather than expanding funding for the printing and storing copies of documents which may never be used, expanded print-on-demand capabilities available in libraries or information kiosks could eventually save money and increase the timeliness of delivery.

Democracy is based on the assumption of equal opportunity in educational, political and economic realms. While not everyone desires electronically enhanced con-

gressional information, large blocks of individuals should not be summarily denied such information based on lack of skills, equipment or access fees. Congress' contemporary task lies in assuring the information technology does not create an increasingly uneven playing field as potential users either have access to technology supported search and retrieval or are relegated to less useful documents. Since individuals and organizations in need of information vary widely in their technological capacity, it is important that Congress retain redundant delivery formats. Dropping printed formats as soon as electronic formats are available turns citizens lacking the needed technology into information eunuchs. While times of budgetary pressure might encourage relying on the lowest common denominator dissemination format, such a position is shortsighted. Congress must position itself to deliver information in the most useful format.

A majority of the public lacks the knowledge, equipment and/or resources to surf the Internet. By early next century this could be reversed. Congress has a responsibility to augment access by individuals sitting home on their computer with other access venues. Some individuals will have to use their public library to tap into electronic congressional information while others will gain access through public information kiosks. While cooperation with commercial vendors contributes to a better informed citizenry, Congress must find ways to augment commercial access for the majority who can not afford its high price tag.

As direct access to congressional information increases, traditional gatekeepers of information such as committees and individual Members may begin to feel the loss. Current access to *Thomas* does not allow Member offices to gather mailing list information as to who is interested in which topic, or to build constituency credits by stamping an acquired congressional document with the statement "compliments of Congressman." Committees required to submit documents electronically in timely fashion lose some control over when and how the information is disseminated.

Members of Congress and their staffs have become increasingly dependent on in-house and commercial databases to gather the information they need. The ability to monitor the status of bills, find the results of the most recent research or acquire projections specifying the impact of changes in the tax codes has been greatly facilitated by information search and retrieval technology. Evening the political playing field within Congress has contributed to internal democracy and undermined power based solely on position or tradition.

Internet, World Wide Web and E-mail Access to Congress

As receivers of information, Members of Congress need to recognize the fact that format should not overwhelm source and content. New technologies often have an appeal which enhances their message. Many individuals attend to their e-mail first thing each day, perhaps based on ease or its remaining novelty status. Congressional offices putting up Web pages are often so enamored with the new format that they forget that each of these technologies are simply delivery systems which do not relieve the recipient of the task of evaluating the message. Relying on e-mail or Web page responses to capture public opinion is no more accurate than relying on phone calls, regular mail, or chance encounters in the airport. The vehicle for communicating with Congress affects who will communicate. Electronic communicators deserve to be heard, but recipients must recognize that the ease of transmitting a message reduces the ability to evaluate the depth of their commitment in the same way one can compare the differences in concern between a constituent who writes a brief postcard and one who crafts a long fact-filled letter. Congressional offices need to recognize that new technologies affect who participates more than the number of participants.

Videoconferencing

Videoconferencing of committee hearings, staff meetings and/or constituency forums has the potential for efficiently expanding the pool of participants, increasing the efficient use of participant's time and increasing the timeliness of information transfer. Geography becomes less of a barrier to exploring issues with a full range of participants. On the other hand, videoconferencing is expensive, changes the quality of the meeting, and could be challenged as an inappropriate incumbent perk. Cable Television Expansion, Talk Radio and Digitized Video

As the number of cable channels increases, so will the number of spots available for public affairs programming. C-SPAN has already opened much of the congressional process and stands ready to open more. With a third channel focusing more on committee hearings on the drawing boards, C-SPAN is ready for Congress to back up its recent rules changes on committee access with the installation of equipment such as robotic cameras in all hearing rooms. The consequences of today's relatively limited televising of congressional activities have largely been positive and expanded television would probably expand these advantages.

As we move toward more "real time" information the range of public pressures on Congress will increase, but the equity of access will be enhanced. Looking over the shoulder of Members of Congress in committee or on the floor was once the domain of a few sophisticated lobbyists. As a result the window has now been opened a bit and the close monitoring by lobbyists is augmented with similar monitoring by a wider range of citizens. Members of Congress have become accustomed to telephone calls and faxes during debates with constituents commenting, "I have been watching you on C-SPAN and I hope you will vote for the amendment which is on the floor right now." In this regard, Jefferson's hope that elected officials (at least Senators) would be the "cooling saucers" for popular passions is facing a severe technological challenge.

The emergence of talk radio and talk television also tend to increase the immediacy and divisiveness of congressional politics. Words spoken on the floor or in committee in the morning immediately feed unchecked and unencumbered by contextual information into the talk show circuit to become widely disseminated in a matter of hours. Eschewing objectivity, most talk shows pride themselves in being "journalists with an attitude." Audiences choose talk shows less to be educated than to receive reinforcement to support the policy positions they already hold. Democracy is based on offering competing options and needs divisiveness to operate, but it also needs some common ground where those with differing opinions find areas of agreement. The fragmentation of audiences into narrow ideological "echo chambers" spurring each other on makes it increasingly difficult for Congress to forge compromise on key societal issues over which reasonable individuals legitimately disagree.

For much of the history of both television and radio, the constant stream of information was so massive that it became transitory. Some attempts by commercial databases to index electronic media have made partial search and retrieval possible. The Purdue Public Affairs Video Archives indexes the full text of most congressional proceedings. The move toward digitized audio and video will increase the ability to index and retrieve the audio and visual record of Congress. On demand access to digitized indexed video would provide the content access which would turn the stream of audio and video data into more useful information. Congress may well have to go one step further than its recent changes in the "revision and extensions" rules for floor debate and seriously consider whether the written record should remain as the official record of proceedings.

Each of the above technological trends have the potential of holding public officials more accountable for a broader range of behaviors. On the other hand, increased public exposure could be disruptive to the policy process, making it more difficult to make tough choices outside the glare of the television lights. Multi-media

New technologies break down the traditional barriers of space and distance. In the long run, it is probable that virtually everyone will be on the Internet in the same way that telephones and television have penetrated almost all of society. The Internet of the future will blur the lines between voice, graphic and textual transmission of information. Individuals will move seamlessly from a video clip, to a chart, to a document and back to an audio explanation of a phenomenon. In order to effectively receive modern communications, Congress will need to increasingly upgrade its Members offices, committee rooms and chamber capabilities. While Congress for the foreseeable future will remain an "oral culture," future generations will be more familiar with the power and utility of multi-media format. In order to remain being heard outside the institution, congressional will need to master the delivery of integrated multi-media to both constituents and journalists covering Congress. Hard copy press releases will look pretty archaic next to digitized multi-media hand outs. Pure oratory on the floor will lack the impact of a multi-media presentation. Floor debates now augmented with charts and graphs will be replaced by more interactive data shows and visual persuasion techniques.

Conclusion

For the social analyst the progressive waves of new technology are interesting phenomena. Congress is living through the ancient curse "may you live in interesting times," and is called to act responsibly in a way that will protect the institution, facilitate the goals of its participants and support the principles of democratic government. Congress has cast its lot with expanding information access for both its Members and the public. There is little chance to turn back without raising serious questions about what Congress is trying to hide or how it is disadvantaging some Members and causes. The task is immense and ever changing. The good news is that some participants in the process have begun to recognize that the impact of technology can not be ignored or simply assumed. A careful analysis of the potential

social, organization and political impact of technology will position Congress for a more creative response.

Mr. DREIER. We are hearing from the Internet, and we have heard from Jim Warren of Woodside, California, on e-mail who says any documents prepared by congressional staff or Members using a word processor should be placed on free public access congressional Internet file servers. He goes on to say, technology now make its possible to empower representative democracy by allowing citizens the option of being fully and timely informed. Please do so.

Why don't we go right now to our colleague, Scott McInnis, who has not been with us for a few minutes. Are you still out there in space, Scott?

Mr. MCINNIS. That is right, Mr. Chairman. I am.

Mr. DREIER. There you are.

Mr. MCINNIS. Mr. Chairman, that is correct. I am afraid if I get any closer to this microphone I am going to eat it.

Mr. DREIER. Well, we have just zoomed in on you.

Mr. MCINNIS. Mr. Chairman, the comments we have heard from the witnesses I felt were particularly useful. It is interesting. I think we are going to see a debate in the future to see whether we should have remote voting. But let me stress again the opportunity that this has allowed us out in rural America or out in America outside the Beltway, to participate.

You know, I didn't even—never was able to set foot in the United States Capitol until the year that I ran for election to the U.S. Congress. And this kind of allows us to step inside your chambers there, Mr. Chairman, and bring it home.

And as I mentioned earlier, for a district this size, what we did years ago was really in our districts to go to college, you had to go to the population centers. Now we have our community college system like the Pueblo Community College. And to go to participate in politics you had to go to the population centers. I think we have huge advantageous now that we are reaching out, much as we did with the community college system, we are now reaching out into America.

I think there is an issue, I can say that the advancement of e-mail in our offices. My particular office, Mr. Chairman, looked at e-mail. We certainly have the computer capability. The difficulty we found was that we would increase, we thought, by a factor of 30 to 40 percent, the amount of inflow to our offices.

Now in our offices we get a thousand pieces of mail a day in the four district offices here in Colorado and the office in Washington. Our concern was that we didn't have the staff capability to respond to the e-mail, and we, as you know, Mr. Chairman, and as my colleagues sitting there know, that all of us try to respond to the mail that we get in. So I think actually the increased participation will increase staff requirements.

So there are going to be costs involved but, Mr. Chairman, I am going to have to excuse myself from the committee because I am going to get back and head into the mountains. But I do want to tell you thank you very much for allowing us here from Colorado to participate. And I look forward to seeing you next week. And I can't help but put a plug in. We still have great snow out here, so we want all of you people from California to continue to spend your

money out here in Colorado. But then after you are done spending money, we want you to go back home.

Mr. DREIER. We understand that, Scott. Let me ask, before you leave, you said that you projected that there would be a 30 to 40 percent increase with e-mail. Has that been the case?

Mr. MCINNIS. Mr. Chairman, another technical problem. They didn't switch on your mike back there, and I couldn't read your lips fast enough.

Mr. DREIER. I was just asking, Scott, if you had, in fact, seen a 30 to 40 percent increase in the inflow because of the use of e-mail in your office? You said you had projected that.

Mr. MCINNIS. Mr. Chairman, that is a projection based on the number of inquiries we have had from the district, and when we talk to people, would they utilize it, the response was pretty strongly overwhelmingly yes. But we felt that if we were not able to respond to these individual e-mails that we would have a lot of disappointed folks. It is kind of like in Colorado years ago, Mr. Chairman, when I sat on the Colorado Tourism Board, we put in a 1-800 number to assist tourists that would like to come to Colorado and we found that we were immediately, immediately got an overflow into the 1-800 number and we had a lot of people that were very upset by the fact not that we offered a 1-800 number but by the fact that every time they called they got a busy signal. So it ended up being really a disaster for us.

I think we are going to have to very carefully allocate staff, because we still have to maintain the ability to respond individually to our constituents.

Mr. DREIER. Well, thank you very much, Scott. And Dr. May, we appreciate—

Mr. MCINNIS. You will have to switch on a mike for me, Mr. Chairman.

Mr. DREIER. My mike is switched on. Can you hear me now?

Mr. MCINNIS. Thank you. I hear you now.

Mr. DREIER. I was saying something nice about you.

Mr. MCINNIS. Turn on the mike when you do that.

Mr. DREIER. I usually leave it off. It was a very brief comment though, Scott.

Let me thank Dr. May and those at Pueblo Community College and to say that our colleague, Mr. Beilenson, would like to raise a question with you, Scott.

Mr. BEILENSEN. It is not so much a question as a couple of little statements. One is it is nice that you are out there in Pueblo. It evokes some memories. I spent a night in Pueblo back in 1954, when I was hitchhiking around the country, and it was a nice little town then and it is probably 10 times as large now.

The other—

Mr. MCINNIS. That is about the time I was born, by the way.

Mr. BEILENSEN. Probably before you were born.

The other thing I wanted to say is this—to my colleagues who may not know it. My friend and colleague, Mr. McInnis, represents the most beautiful district in the country. Our family on two occasions has had the opportunity to take week-long or actually 10-day long horseback trips in the La Garita Wheeler Wilderness and the Weminuche Wilderness. And why do I say this? It is only because

these are beautiful places, Mr. Chairman, and for those 8 to 10 days we were literally up there above 11,000 feet. We never saw another single human being that was not in our group. That appeals to me a lot more; not being able to hear from millions of people in contrast to ways that we are talking about today, where 550,000, 600,000 people will be at us with e-mail.

I think my friend, Scott, did the right thing in not starting e-mail in his office. We would be inundated with messages, and I think it is nice to be able to appreciate and to be in a district such as his and not have to have our constituents get at us all the time. You know what I mean, Scott?

Mr. DREIER. You have made a very clear statement on the process of deliberative democracy, Tony.

Scott?

Mr. MCINNIS. Mr. Chairman, I want to again thank you for the participation, and again, as I said, now I am off going to the district to cover a number of events. But thank you very much. I want to thank the witnesses and thank my good friend, Mr. Beilenson. He is always welcome to the high mountains of Colorado.

Mr. DREIER. Thank you very much, and thanks again to all at Pueblo Community College.

Porter? Do you have any further comments?

Mr. GOSS. Very briefly, thank you, Mr. Chairman. The observation I have about the e-mail is that we opted not to put it on our home page after checking with Members who had put it on their home page. We just simply don't have the resources to deal with it.

But the other question that comes up, something that was triggered in the comments, I think this is going to go well beyond just the structure and the way we do business in Congress. Everybody knows there is a silent partner involved in this town called politics, organized party politics; not so silent sometimes.

And it seems to me that if every word that we write or speak is always going to be available, as the last e-mail that you just heard and read, seems to me opponent research is going to take on new meanings, and matters like political correctness are going to be redefined and it is going to be a very interesting world. It is going to literally put you on stage all the time as if you are in front of cameras all the time. And everything you do and write is going to have to be explained.

And I wonder how we are going to handle that because people are sometimes so willing to take things out of context in order to score a political point, and in particular in this atmosphere I think that is an observation that is worth

noting.

Mr. DREIER. From the Internet we have a question that—we are still hearing from Colorado. Grand Junction, Colorado, has raised a question, which I would like to pose to the witnesses. Ben Gagnion of Grand Junction has said: Do you believe that having Representatives participate via technology rather than in person would make it easier for them to avoid difficult questions or discussions either by claiming technical difficulties or remaining silent? Vern?

Mr. EHLERS. The latter is an impossibility. I have never known a politician to remain silent. Claiming technical difficulties, I don't think that would be a factor. So I don't see that impacting on this at all. Many of these issues it is just a matter of getting used to.

Some of the reservations I have heard expressed about the remote meetings, remote conferencing, the computer use, and so forth remind me of some of the articles that I read from approximately 100 years ago about the use of the telephone, and I recall specifically reading an article about some Representatives who refused to have telephones installed in their offices when they first became available. Maybe there are some today who would like to deinstall their telephones but it is a lifeline at this point.

And as Jeff said earlier, there is really no difference between e-mail and snail mail. The only increase in volume we have observed in our office, and I have been on the Internet ever since I got here, the only increase in volume has been the fact that there are some people in this world who when they write their Congressperson decide that since they have taken the trouble of writing on the Internet they might as well send it to every Congressman. And it is easy to do that. You enter all the names and you make it a habit of sending them. We got a lot more mail from outside the district, but from within the district there has not been an appreciable difference; it is just that people are getting it delivered faster than they used to get it delivered.

Mr. DREIER. Secretary Flahaven, do you have any comments at all? We want to make sure that you are still part of this discussion.

Mr. FLAHAVEN. Thanks, Mr. Chairman.

I think that the use of electronics, and e-mail in particular, have allowed constituents to get to their Members in a different way. One of the cautionary notes, I guess that I could say, based on our experience, is that lobbying organizations also have discovered the world technology and many times our fax machines and our e-mail receivers are clogged with messages from organized lobbying efforts and are not always simply generated by individual constituents expressing deeply held concerns. So, I think that that has to be evaluated in the whole process.

But in spite of that, maybe one downside, I think that legislative experience would be that we ought to embrace these things and use them for the value they can bring to us.

Mr. DREIER. I would like to raise a question that has really come from virtually everyone here, and that is bringing up the point that was made earlier, that the view in the mid-1970s was that by televising the proceedings of the Congress, the American people would understand and have a very high regard for what it is that has gone on in this institution.

We all know that the opposite has been the case. And so we are faced with this struggle of trying to ensure that we have greater input from the American people and at the same time that they have more exposure to what it is that we are doing here. And as we have seen greater exposure, we have seen a diminution of the support level for the institution. And I wonder what concerns you all think we should have, and how we would strike a balance on that?

Mr. FRANTZICH. I have looked at poll figures and Congress certainly went into the whole television process by saying, "To know us is to love us," and as we know it has been, "Familiarity breeds contempt," if you casually read the poll results.

If you look more carefully, the people who are heavy viewers of congressional television are relatively sophisticated. It is not so much pox on both your houses, but it is, "We don't like this that's going on and that that's going on." There is room for improvement.

I guess the schoolmarm in me says clean up your act and you will be liked. That is too simplistic. But the people who are watching are saying, I want to judge performance and I am going to leave open how positive I view the institution and its Members. There is some room for hope in that process.

Mr. DREIER. Tony?

Mr. BEILENSEN. In response to that particular observation of yours, Mr. Chairman, I think it is as a result, to a certain extent, if I may say so—I am trying not to be partisan, in all seriousness—when people began getting C-SPAN and started watching us, they started hearing what we were saying about ourselves, among other things. And there have been certain Members in this place, I shan't mention any names, who have made it their business over the past few years—Members from both parties—who attack the process and attack one another, and people watching us pick up on that.

If we didn't have that kind of discussion going on—if, for example, we didn't have these 1-minute speeches at the beginning of the day, which I find offensive from both sides, and had television coverage only of the debates among committee members on particular bills and amendments—I think that most of that debate is civilized and thoughtful and people would come away from watching that feeling quite good about what they see back here.

But if they tune in and they spend the first 30 minutes of each day hearing Members from each side attack the other side, attack the President—whether it is a Republican or Democratic President—everybody comes away with a bad feeling about the process, as we do when we tune in and watch some of our colleagues lambaste one another.

Mr. DREIER. Porter would like to be recognized for one minute in light of your remarks.

Mr. GOSS. Thank you, Mr. Chairman. I agree with my colleague from California that there has been a loss of comity. And I think that sometimes the debate gets very passionate, and sometimes the debate is more engineered to score political points than it is to do anything else. And I think that probably is inappropriate for the use of the public's resources in the House.

I would say, I have tried to understand why—how our approval ratings move around, and it seems to me that there is much perception involved in things like congressional pay raises and issues are involved in that. But it is puzzling what a low approval rating the institution has when, in fact, that so many incumbents do get reelected. So many Members of Congress have a high approval rating with the people for whom they work; that is, the people who are in their district.

I would make two observations, Tony. One is it is a well-known fact that you don't want to watch legislation being made any more

than you want to watch sausage being made. It is not necessarily an attractive process. There is a lot of give and take.

And the second thing I would say is this democracy, only 200 years old, has probably done a better job than any other place in the world of legislating. Many other places in the world are still settling differences using weapons and guns. I think we do pretty darn well just with words, although I agree that there are days which we should clean up some of the statements that we make.

Mr. DREIER. From the Internet we have another statement, and then I would like to call on you, Jeff, and this gets along the line of some of your testimony. This is from Ira Highly. I think this form of Internet participation will eventually end the big government and the waste known as Washington, D.C.. We will go back to the days when Congress worked only a portion of the year and not a lifetime job.

Jeff?

Mr. EISENACH. As I said, I think the role the Congress has to play, certainly for the coming decade or two, and, frankly, I believe into the future, is one of greater importance, not less importance. I think it is greater importance in the short run because of the need to not just tear down or reduce the size of the Federal Government that we now have, but to create a set of replacement institutions and laws and frameworks that allow markets to operate and enhance personal freedom. And that, I think, is a very challenging task.

What I do think the Internet and the information revolution more broadly permit is a much more complex, integrated, and widespread spreading out of the powers of government. I think what you have is the ability to actually get to communities the power to make decisions that primarily affect those communities, while at the same time having the communications and networking capability so that when those decisions do have impacts on neighboring communities, or on the Nation as a whole, that those impacts can be taken into account in a much more complex way than they are today. I think that will occur.

As for how Congress operates, and I do think that it is important that Congress, A, be in a position to interact with the much more complex and integrated system of governance which will be lots of different institutions and lots of different places, as opposed to talking mostly to itself. And, B, I do think that that means getting out of Washington more. I do think that that will be one of the consequences.

As I say, I think if you look at days in session by the U.S. Congress and compare it with State legislatures or days in session with the U.S. Congress and compare it with historical times, comity and personal interactions do not require being, I don't believe, being in session as much as Congress currently is in session.

I think Congress will always want to meet in person. But what information technology will allow is for Members, even if they are spread out into 435 districts around the country, or for that matter when traveling abroad, to meet virtually in a way that is fairly person-to-person.

One comment I would like to make with respect to where we are presently, and that is as we have seen today the technology that

we are working with today is extraordinarily rudimentary relative to where we would be 2 years from now or 4 years from now or 6 years from now, and the ability to have personal interaction. The wall behind me, in all likelihood, will be a full-sized, wall-size video screen 5 years from now or 10 years from now. Certainly can be. And the people sitting in various places around the world will be as if they are sitting in this room and there will be no dropouts from glitches.

Mr. DREIER. So we could see the snow-covered mountains of Colorado?

Mr. EISENACH. If we choose to do so, it would be possible.

Mr. DREIER. Let me raise one specific area where we have some disagreement and that has to do with the specific use of the voting card. And you are arguing, Jeff, that we should see Members vote from their districts. One of the hearings that we held earlier of this subcommittee we talked about this issue, and I think it is our friend, Tom Mann from Brookings, who raised the following point: Could you imagine a Member of Congress sitting in his or her district office and not being faced simply with a lobbyist in the hallway of the Congress, but instead picketers outside of that door, 50, 60 people, who are raising Cain on a particular issue as a Member of Congress is getting ready to cast a vote on that question?

I think that that, in itself, raises a very interesting point. And I also believe that as we look at the issue of noncontroversial items, maybe there could be an agreement where we would have something like an electronic calendar whereby those items that are noncontroversial could be voted on—maybe you used the argument, Jeff, running across the street—from Members' offices at that point. That might be some sort of compromise.

But I am one who concurs with Tony, and I have consistently argued that the personal interaction which does take place—and I talked about this earlier on C-SPAN this morning—on the Floor of Congress and those who watch the wide angle shots of C-SPAN see that there is interaction that takes place even while the debate is going on on the Floor of the Congress, is a very important part of legislating.

Vern?

Mr. EHLERS. If I may, I would like to comment on a few things that you have said and that my fellow panelists have said. Before I do, I would also like to comment on the first Internet message you received which came in from Jim Warren, and that was no surprise to me. I met him last summer and Jeff knows him as well. He was at the Aspen Institute, not the institute, but the Aspen function sponsored by the Progress and Freedom Foundation.

Jim, you may be interested to know, is the one who organized the first Internet group in California to lobby on an issue and managed to get a bill passed just by using the net as a means of notifying members who immediately called legislators' offices. So he was the first one to successfully use the Internet in that process.

On the issue of remote voting, it is no surprise to me that anyone outside the Congress would say why don't you just vote from your offices? I think most of the Members of Congress would say, no, and there is a reason for that.

We have to transact a lot of business with each other in a personal way. It is very, very difficult to reach each other. Typically, we may trade phone calls five or six times before we actually make contact. What the voting does is to say to everyone, stop what you are doing, go to the Floor. And I think all of us go there with a 3-by-5 card filled with names of people we have to see and what we have to see them about.

If you watch closely from the galleries you will see people looking around, scurrying around finding people. And you have all of these ants chasing around looking for specific other ants to discuss issues with. It is a very, very productive 15 minutes.

Now, I agree that we can make this more efficient as we do sometimes by grouping votes so that we are not having our day interrupted too often. But I sometimes think it is a little like the British tea at 4 o'clock where no matter what organization you are in, at 4 o'clock you stop what you are doing and you go have tea. You meet with everyone in the building, everyone in the business, and you talk about issues. You don't have that opportunity otherwise. And that is basically what we do during the voting period.

I do want to comment also, Mr. Frantzich, I think you have probably the most perceptive observations I have heard from someone outside the Congress on the operation of Congress. It is obvious you have been watching us for a long time, and I just want to register my appreciation.

Also Mr. Eisenach, I think the key issue you raised is one of restructuring. How should Congress restructure itself and perhaps restructure the Federal Government in view of technological advances?

Now, what I have observed is that we are going in the wrong direction in the Congress and that we tend to be taking issues and making them more complex by writing these immense 2,000-page bills which get referred to 17 different committees, and you have this tremendous process going on to try to deal with that.

I think one of the restructurings that would be effective—and Congress, in fact, probably could meet less often if we did this—is to insist that bills had to address only specific certain parts of issues and deal with those directly.

This is the way State legislatures still work, and we spent much more time in general session than in committees in the State legislative level, but always on specific small bites that you could deal with in perhaps 10 or 15 minutes of debate. Vote. Get rid of it and pass it on. And most of the votes would be unanimous in that case. And I think that is just one example of the type of restructuring you are talking about.

We are tending to complexify issues today rather than simplify them. And I believe that has really hampered the efficient operation of Congress. And so we have these issues such as telecommunications reform, which hung on for some 15 years or so, whereas had it been addressed on an annual basis just dealing with the issues that were pertinent at that time, we could have kept it updated every year.

I don't know what other ideas of restructuring that you have or other Members have, but I think that is clearly going to be the key to making adjustments to the future.

Mr. DREIER. It looks to me as if Mr. Flahaven is attempting to jump in here. Am I correct?

Mr. FLAHAVEN. That's right, Mr. Chairman. I wanted to address that issue that was talked about a few minutes ago about why do people still have a low impression of legislative institutions, in spite of all we have done and all the public—various things that we have done in our television coverage.

And I believe that for those people who watch the process, who watch the institution, they do have a better understanding and at least a more informed judgment about the institution. And I think that it is generally positive. I don't know that it changes, you know, everybody's opinion, but in 1994, a Minneapolis cable survey indicated that 40 percent of the cable households tuned into some of the proceedings that we had on a controversial bill on nuclear waste storage here in the State. That was a very controversial item, as I say, and generated a lot of legislative hearings, and culminated in a long conference committee.

And if 40 percent of the cable households in Minneapolis watched a part of that, and presumably mostly the conference committee, it really did a good job of educating citizens on the process. Also, during the 12 weeks in our recently completed 1996 session, 3,000 viewers of legislative coverage phoned into our comment line and 73 percent of those calls were comments about the actual issues being discussed. And 21 percent of the callers gave us favorable comments about the coverage itself and hoped that the service would be continued.

And to finish, a sample size of 2,300 public television viewers, almost 20 percent listed our 30-minute public affairs program as one of their favorite shows.

So, I think that may be more important for us to say we want to reach out to people, and whether or not they have a positive or a negative view of the institution may be incidental to the fact that at least we are providing coverage that people want and that they will form those opinions from that and from regular news sources.

And I think that we have also found that people at least have a better view of their individual member, their Senator or their House Member. And so at least if they know more about that person, or at least their Senator and their House Member, what they think of the institution may be incidental to what they think about their own members in the legislature or in the Congress.

Mr. DREIER. Thank you very much, Mr. Secretary.

Jeff?

Mr. EISENACH. If I could make just two or three comments. First, on the issue of transparency and the ability to see documents on line and so on and so forth; the implications of that for everyone having to be concerned about political correctness.

The truth of the matter is I suspect people are more concerned by what they don't know or think they don't know than what they do. And in a completely transparent Congress, which is technologically possible, they would not just see the line taken out of context; they would see the letter of which it was a part, the memoranda going back and forth describing the issue.

The truth of the matter is I think one of the fundamental tenets of democracy is that we can count on people to be informed and to

make fair decisions ultimately. And I think more information ultimately has to be presumed to win out over less to be productive.

I frankly don't see much reason why the presumption shouldn't be in favor of complete openness given that that is technologically possible. And the question ought to be which things would be restricted, very much as the executive branch is subject to the Freedom of Information Act.

One question that comes out of that is whether the Freedom of Information Act-exempt materials at the executive branch ought not be tagged at the time they are created, and all other documents be instantaneously available. Why have to go through a 6-week or 6-month or 2-year process to get a document through the Freedom of Information Act when it could be available to you on-line instantaneously?

Secondly, on the question of restructuring I am very much struck by what Congressman Ehlers said. I think that, yes, in many cases it should be possible to do incremental pieces of legislation and perhaps those are the cases where it would be possible to vote remotely. But it is also true, I think, that one of the challenges the Congress faces is to remake the large structures of the executive branch, and that that does require an holistic approach.

I think trying to do telecommunications, for example, piece-by-piece could have been a mess as opposed to trying to take a comprehensive holistic approach to it. Maybe there is a way to distinguish between the holistic, macro reform that needs to occur and to do that on the House Floor maybe more so even than now is the case while taking incremental reform legislation and doing it even on a remote basis.

The third point I make is that I believe the most important structural reform is one that is characterized by the simple word, "dynamic." What is true is that, first of all, the structure of Congress is out of step with at least the future structure of the Federal Government and needs to be restructured.

But secondly, the structure of the Federal Government probably needs to be more dynamic in the future than it has been in the past and Congress, therefore, also needs to be more dynamic. You all have already taken steps—term limits on committee chairmen, for example—to end or reduce the ossification, the structural lack of change in the Congress. And I think further steps in that direction are the most important single structural reform.

You ought to be able to take an issue, address it, eliminate the institution that addressed the issue, and create a new institution (i.e., committee or task force) to address the next issue, rather than being locked into committee structures that often grow out of date. And of course, your efforts, Mr. Chairman, in terms of eliminating some of those committees that have been around here for 20 or 30 years after they were arguably and pretty clearly no longer needed, were the first major step in that direction. And the fact that you are continuing to move in that direction, I think, is very important.

Mr. DREIER. Professor Frantzich?

Mr. FRANTZICH. Two comments; one on the transparency issue. Almost 200 years ago, there was a debate in the Senate about opening its public galleries and Members said if we open the public galleries, it would be the death of the institution. A hundred or so

years later the discussion on radio coming in, some Members concluded it would be the death of the institution. And much of the discussion concerning televising the chambers was around the death of the institution.

Well, you are a pretty durable institution with the onslaught of technologies. And so I think Jeff is right, that the presumption ought to be openness unless there is an awfully good argument for closing. And not only openness, but a timeliness of the information to make it realistic in the process.

Second, I would disagree with Jeff—

Mr. DREIER. So we will continue to follow Bismarck's line, we will not watch sausage being made?

Mr. FRANTZICH. Well, I am not sure that it is not instructive to see sausage being made. I may not want to eat it after it has been made.

On the remote voting, I am concerned about remote voting and I think it would be a very narrow range of issues in which I would be willing to accept it. We know, for example, that in the use of E-mail there is the phenomenon of flaming. You can get on E-mail and type anonymous's. You may send out messages to all sorts of people and you may say things that you would not say in a face-to-face setting.

Since Congress is based on compromise and on issues over which reasonable people can disagree with good faith, I would rather have them disagree with good faith face-to-face and dampen some of the intemperate things. I see this as an example of the broader phenomenon we see when people have a kind of open microphone on talk radio, for example, where it is very anonymous. You just blast it out there. I would not want those sorts of conversations common on E-Mail to be the regular basis for Floor decisions. I would rather have Members face each other face to face, listen to each other's comments, and then vote as opposed to doing it remotely.

Mr. DREIER. Thank you very much. We are going to begin to wrap this up because we have gone beyond the time that we have planned. And I would like to call on Mr. Beilenson, the Ranking Minority Member.

Mr. BEILENSEN. Thank you. I just want to say that I agree very much with what the professor from the Naval Academy just said. Three or four things briefly.

Mr. Chairman, the first is I found this a very interesting, extremely interesting meeting and I commend you for holding this hearing. And along with you, Mr. Chairman, I thank our witnesses, not only the three gentleman here, but the two other gentlemen out there, and the rest of the country, for having joined us. It has been a learning process. One does not always learn at some of our committee hearings, as our Chairman knows.

Let me comment briefly on three things, if I may. They don't require responses; they are sort of my response to what some people have been talking about. One has to do with remote voting.

That was a very good example that you picked up from what Thomas Mann said. It is kind of worrisome thinking about voting in your district office when there are 150 people chanting outside—some may be heavily armed—as to how you are going to vote on

this issue that they feel very strongly about. I feel a little safer doing it near Washington.

But in the average case, one would suspect if you were voting, say, from your district office, what is more likely is that your buzzer would ring or the phone would ring—some indication that it is time to vote—and you would say to your staff person, what are we voting on now? And you would have nobody to talk to about it. You are setting out there in Pueblo, Colorado, or Los Angeles, California, all by yourself and it is time to vote. There is nobody to check in with.

It comes very much back to what our friend and colleague, Mr. Ehlers, was talking about—how useful it is to be here physically with other people exactly for the reasons he suggested. And on top of that, even with respect to voting—I guess we should not admit this and you all don't need to, but I shall because I am not seeking reelection—sometimes one doesn't know exactly what it is one is voting on and all the pros and cons when one gets over to the Floor. And you have 5 or 10 minutes—and that is a lot of time, actually—to check with two or three of your Democratic friends and two or three of your Republican friends, whose position on whatever issue or whatever general area of jurisdiction you are discussing at that time, you have come to trust and find out from them exactly how they feel about it and it gives you additional input, if you need it, or if you want it before you vote. That is an important kind of thing and something we would not have if we were isolated out at some distance.

I would also like to say I particularly enjoyed the testimony of Vern Ehlers. Perhaps because we tend to start thinking the same way if we are members of this group or this organization.

One of the things that he spoke about, which I worry about and think about all the time, is something which we have spoken about here today, Mr. Chairman. I think Vern put it in terms of the revulsion of the public; I think is the last thing he spoke to. We are talking about how people react when they see us on television.

It occurs to me that if you put any area of human relationships under the microscope, it won't look too pretty. It won't look too good. If you had C-SPAN watching your family relationships, your family activities—you telling your kids to eat or get their work done or your spouse berating you for not doing what you are supposed to be doing—or if C-SPAN were in there, whatever business you are in other than Congress, watching all of the machinations going on in your office, that won't look too pretty either.

And by its very nature, as one of our witnesses properly said a few minutes ago, Congress, the legislative branch, acts by compromise. People may not like it, but it is true and it is good. We understand it is good. We move to the middle. We learn to make some compromises and some adjustments to one another. That is how a democracy works, but it is probably not a very pretty thing to see.

So that by its very nature I suppose too much exposure to this, perhaps, necessitates some kind of a process that to the uninitiated, or until they get used to it as Members have said, witnesses have said, as people get more sophisticated about it they un-

derstand what it is like to be a legislator and what is necessary to make this system work.

And, finally—this is a very basic thing to me, because I tend to be a bit computer illiterate and a few decades behind the times—with respect to the impact it would have on the Congress and the workings of the legislative branch, I am not sure that it is always necessary or appropriate to be keeping up with the times, or keeping ahead of the times.

I do not think that the problem is that we lack information. We have plenty of information. Actually, there is a surfeit of information. And to be frank about it—I sometimes joke about this back home—my job is to take out a little voting card and either push the yes button or the no button. You can have a lot of information in your head that is important in drafting legislation and so on, but the decisions we make are relatively simple decisions.

What we need more of, I think, than information, which as I said there is plenty of these days—even if you cut off the flow of information and didn't expand it beyond what it is now—is understanding and wisdom and judgment and experience. Not just more information thrown at us, especially with the immediacy that some of us are speaking of.

We don't need more information more quickly, I think. If you argue for that, I think you misunderstand what I, at least, believe is the nature or should be the nature of a legislative body, of course including the Congress. Our job is to filter things—to think about them, let them percolate—and not react immediately to everything in the world.

That is part of our problem as a Nation these days. You see something on CNN going on in some country that no one has ever heard of and while we are watching this we require our President, whoever he or she may be, to react with a policy for the country five minutes later. We really should sit back and think. Should we be involved at all? Is this terribly important to us? And have some time to sit around and figure out what our reaction should be.

It is the same with respect to legislation—writing legislation and responding to issues that confront us; its important that we filter this, that we take some time and that we not react immediately. That is the job of representative government. If we are to have a representative democracy, rather than a direct one, you need people here who will take the time to hearings, who will listen to witnesses, and who will deal with others in the body whose points of view are somewhat different. They will eventually come out with something that fits well enough so that the country keeps moving ahead slowly in the very successful way, as our friend, Mr. Goss, properly pointed out, that we have been doing for a couple hundreds years.

Maybe that is just an older person speaking. But I really think that the legislative branch of the government was designed to be and should be a relatively slow-moving branch of the government. It needs to put a brake on the excesses of the executive branch; to look at things carefully, as I have said a couple of times now, and not to respond or to react too quickly. And I guess I have had my say.

Mr. DREIER. Thank you very much, Mr. Beilenson. And I think that was very well said.

One of the things when I went through the whole process of committee structure reform, and cochaired the Joint Committee on the Organization of Congress, I always hesitated when people talked about the fact that we need to make Congress more efficient. Inefficiency is something that the Founding Fathers were very careful to ensure would be part of the process of lawmaking, as you said.

Mr. BEILENSEN. That is true.

Mr. DREIER. It should be done slowly. When we talk about efficiency, we do want to get the information that we need efficiently, but we don't want to in any way jeopardize the deliberative nature of this institution which is so important.

Porter?

Mr. GOSS. Well, of course, I am shocked to hear that Mr. Beilenson might want to ask somebody else on the Floor. Mr. Beilenson is one of the most thoughtful, fully informed Members—

Mr. BEILENSEN. That is because I ask so many questions on the Floor of other Members.

Mr. GOSS. But I will say this sincerely. I know that it is very important. I don't think we are at the point where remote voting is the right idea yet. Maybe perhaps some day it will be.

I very much like to know what my colleagues in my State are thinking. I like to be able to watch the board about how committees are breaking down. I like to see whether we are crossing partisan lines. I like to see whether the issue is playing one way or another in one region or another. And that, I think, is all part of the mix and benefit and I would hate to give that deliberative process up in the name of efficiency.

And plus, I think the Chairman has pointed out this idea of an angry crowd outside the door. And I can easily suggest a scenario where somebody might miss a putt on the 8th hole because they suddenly had to interrupt their concentrating and cast a vote. And that would be terrible, too. I am just not quite ready to get to the remote voting.

On the other hand, the presumption of openness I think is very critical. I come from Florida, which is the Sunshine State, and we do government in the sunshine. Of course, there have got to be exceptions. But one of the challenges I would immediately throw out to Mr. Eisenach—I agree with him that we should go for the presumption of openness—is I guarantee you if you know your schedule, your daily schedule is going to be subject to scrutiny, it will be printed one way. If it is just going to be a schedule that is going to guide you on where you go next and how you are going to do it and what you are going to do and be personally private and never leave your pocket, it will probably say something differently. There is nothing sinister there.

It is just everybody is very concerned about political correctness. So instead of saying 5 o'clock go to the gym, have fun, play basketball for half an hour, it would probably say something like 5 o'clock, important meeting on health—Member's health or something like that.

There is a way to craft things so you never do get to this openness and that is the observation I was making.

Mr. DREIER. Thank you very much, Porter.

We are running out of time here. I want to express my appreciation to Secretary Flahaven, who stood with us; of course, my colleague, Scott McInnis, and to our three witnesses who are here and also our appreciation to House Information Resources and to C-SPAN and all of the people who have made this experiment in looking at the 21st Century—Secretary Flahaven, are you speaking up there? Somebody is—were you speaking?

Mr. FLAHAVEN. Yes, Mr. Chairman, I was. I just wanted to thank you for the opportunity for me to be here and for including someone from State legislatures in your deliberations. I have been in this business a long time. I am a former congressional staffer and have been involved in this process, and I appreciate the fact that you have included us.

We try to keep up with what's going on in the Congress. I have an old colleague in the business who's a former Clerk of the House in Tennessee, Jim Freeh, and we try to keep some communication going between the Federal and State levels. And I also wanted to acknowledge the fact that my appearance here today is through the cooperation of our Senate media services and our House of Representatives T.V. Office. I think that demonstrates the fact that we have a lot of cooperation in these institutions. And also to thank the people from my staff who are involved in technology, Steve Sennick and Jim Greenwalt and Karen Clark, who helped bring the Minnesota Senate and the Minnesota Legislature along in this process.

Mr. DREIER. We thank you very much, Mr. Secretary.

And let me close with a very appropriate statement for this experiment we are going through. We are having technical problems with the Web site, but I would like to state again how people can access that and to say to keep trying; www.house.gov/rules_org/21home.html. And the E-mail is cyberrep@aol.com.

So as we move towards the 21st Century, this hearing stands adjourned.

[Whereupon, at 12:00 p.m., the subcommittee was adjourned.]



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